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Title 3—

The President

Proclamation 10178 of April 13, 2021

Black Maternal Health Week, 2021

By the President of the United States of America

A Proclamation

In the United States of America, a person's race should never determine their health outcomes, and pregnancy and childbirth should be safe for all. However, for far too many Black women, safety and equity have been tragically denied. America's maternal mortality rates are among the highest in the developed world, and they are especially high among Black mothers, who die from complications related to pregnancy at roughly two to three times the rate of white, Hispanic, Asian American, and Pacific Islander women—regardless of their income or education levels. This week, I call on all Americans to recognize the importance of addressing the crisis of Black maternal mortality and morbidity in this country.

Ensuring that all women have equitable access to health care before, during, and after pregnancy is essential. The Biden-Harris Administration is committed to addressing these unacceptable disparities, and to building a health care system that delivers equity and dignity to Black, Indigenous, and other women and girls of color.

Health care is a right, not a privilege, and our country needs a health care system that works for all of us. That is something both Vice President Harris and I have fought for throughout our careers. As a Senator, Vice President Harris was a champion of Black maternal health, introducing legislation to close gaps in access to quality maternal care and educate providers about implicit bias. And during my time as Vice President, I fought for the Affordable Care Act and to strengthen Medicaid, both of which ensure access to critical services to support maternal health. Within just a few years of the Affordable Care Act's passage, Black uninsured rates dramatically declined—a key factor in ensuring better maternal health outcomes—as did the persistent health insurance coverage gap between Black and white Americans, which fell by more than 40 percent in the wake of the law's implementation.

As we fight to bring an end to the COVID–19 crisis, we will continue to make quality health care more accessible and affordable for all Americans, as we did through the passage of the landmark American Rescue Plan. We will also work to ensure that everyone—including hospitals, insurance plans, and health care providers—do their part to provide every American with quality, affordable, and equitable care.

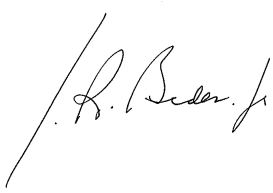
Vice President Harris and I are committed to pursuing systemic policies that provide comprehensive, holistic maternal health care that is free from bias and discrimination. The morbidity and mortality disparities that Black mothers face are not the results of isolated incidents. Our Nation must root out systemic racism everywhere it exists, including by addressing unequal social determinants of health that often contribute to racial disparities such as adequate nutrition and housing, toxin-free environments, high-paying job sectors that provide paid leave, and workplaces free of harassment and discrimination.

Addressing systemic barriers across the board will improve outcomes for Black mothers and their families, and make our entire country stronger, healthier, and more prosperous. At the same time, the United States must

also grow and diversify the perinatal workforce, improve how we collect data to better understand the causes of maternal death and complications from birth, and invest in community-based organizations to help reduce the glaring racial and ethnic disparities that persist in our health care system.

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 April 11 through April 17, 2021, as Black Maternal Health Week. I call upon all Americans to raise awareness of the state of Black maternal health in the United States by understanding the consequences of systemic discrimination, recognizing the scope of this problem and the need for urgent solutions, amplifying the voices and experiences of Black women, families, and communities, and committing to building a world in which Black women do not have to fear for their safety, their wellbeing, their dignity, and their lives before, during, and after pregnancy.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of April, 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. 2021–08008
Filed 4–15–21; 8:45 am]
Billing code 3295–F1–P

Presidential Documents

Proclamation 10179 of April 13, 2021

Pan American Day and Pan American Week, 2021

By the President of the United States of America

A Proclamation

One hundred and thirty-one years ago, our hemisphere formed the International Union of American Republics—the oldest regional international organization in the world, and the precursor to the modern-day Organization of American States. On this Pan American Day and Pan American Week, we reaffirm the strength of our regional community, celebrate the democratic principles that unite us, and resolve to work together to overcome the common challenges before us.

So many of the greatest challenges facing us today are not confined to our respective national boundaries. The global COVID–19 crisis has laid bare persistent inequalities in our societies and structural weaknesses in our economies. Climate change poses an urgent national security threat that is hurting communities throughout the region today and jeopardizing future generations. We are witnessing a humanitarian crisis and mass displacement in Venezuela that is among the worst in history. Violence and endemic corruption, particularly in Central America, are causing desperate people to uproot their lives and families in hopes of a better future elsewhere.

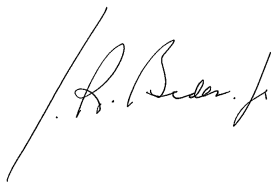
No nation can address today's challenges alone or hide from them behind walls. A secure, economically prosperous, and democratic hemisphere is overwhelmingly in the economic and national security interest of the United States and the entire Pan American region. Moreover, it is within our capacity to reach that future if we rally together and unite around principled and democratic leadership—anchored in the rule of law.

The people of our hemisphere want governments that are accountable to voters and deliver real benefits: good-paying jobs that allow hard-working people to provide for their families, education for their children, security in their communities, and a future where equal opportunity and fundamental human and political rights are guaranteed to all people.

This year, as we mark the 20th anniversary of the Inter-American Democratic Charter, each of our governments has an obligation to renew, promote, and defend that groundbreaking commitment we made—that all people who call the Americas home have a right to democracy. The Democratic Charter remains at the core of our hemispheric union, working through the Organization of American States, to advance a bold and determined vision of a region whose governments honor and respect democratic values, human rights, fundamental freedoms, and the inherent dignity of each individual. During this Pan American Day and Pan American Week, we celebrate our unity and cooperation—and resolve to work together to overcome the challenges ahead of us and build a better world.

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 April 14, 2021, as Pan American Day and April 11 through April 17, 2021, as Pan American Week. I urge the Governors of the 50 States, the Governor of the Commonwealth of Puerto Rico, and the officials of the other areas under the flag of the United States of America to honor these observances with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of April, 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. 2021–08010
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Presidential Documents

Proclamation 10180 of April 13, 2021

160th Anniversary of the Unification of Italy and the Establishment of United States-Italy Diplomatic Relations

By the President of the United States of America

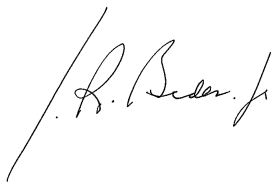
A Proclamation

Today we commemorate over 160 years since the unification of Italy as a single state and the establishment of United States-Italy diplomatic relations. Our nations share a deep and enduring friendship, bolstered by the bonds of family and culture that tie our peoples together. It is a particularly meaningful relationship for the millions of proud Americans who trace their ancestry to Italy, including my wife Jill. On this anniversary, we celebrate the long-standing partnership we have with Italy, including our commitment in the post-World War II era to enhance our mutual prosperity and security and to advance our core democratic values, including human rights.

This is also a moment to reaffirm the willingness of the United States and Italy to meet the challenges of the future together. We are steadfast NATO Allies and anchors of the trans-Atlantic partnership. Italy is a leader in peacekeeping missions and security operations around the world. As we strive together to overcome new challenges, from defeating the COVID–19 pandemic and fueling an equitable global economic recovery to meeting the existential threat of climate change, the United States and Italy remain close friends and vital allies.

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 April 13 as a day to celebrate over 160 years since the unification of Italy and the establishment of United States-Italy diplomatic relations. I encourage all Americans to honor the enduring friendship between the people of Italy and the people of the United States.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of April, 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.



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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0310; Project Identifier AD–2021–00269–A; Amendment 39–21515; AD 2021–09–02]

RIN 2120–AA64

Airworthiness Directives; Piper Aircraft, Inc. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2021–04–07 which applied to certain Piper Aircraft, Inc., (Piper) Models PA–46–350P (Malibu Mirage), PA–46R–350T (Malibu Matrix), and PA–46–500TP (Malibu Meridian) airplanes. AD 2021–04–07 required identifying and correcting nonconforming stall warning heat control systems. Since AD 2021–04–07 was issued, the FAA was notified of an error in the stall warning heat control modification kit part number. This AD retains all of the actions in AD 2021–04–07 and corrects the incorrect modification kit part number. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective April 16, 2021.

The Director of the Federal Register approved the incorporation by reference of certain other publications listed in this AD as of March 30, 2021 (86 FR 10770, February 23, 2021).

The FAA must receive any comments on this AD by June 1, 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 Piper Aircraft, Inc., 2926 Piper Drive, Vero Beach, FL 32960; phone: (772) 567–4361; email: *customerservice@piper.com*; website: *https://www.piper.com*. You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (816) 329–4148. It is also available at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0310.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0310; 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 Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: John Lee, Aviation Safety Engineer, Atlanta ACO Branch, FAA, 1701 Columbia Avenue, College Park, GA 30337; phone: (404) 474–5568; email: *john.lee@faa.gov*.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued AD 2021–04–07, Amendment 39–21428 (86 FR 10770, February 23, 2021), (AD 2021–04–07), for certain Piper Models PA–46–350P (Malibu Mirage), PA–46R–350T (Malibu Matrix), and PA–46–500TP (Malibu Meridian) airplanes. AD 2021–04–07 required identifying and correcting nonconforming stall warning heat control systems. AD 2021–04–07 resulted from the finding of airplanes without the proper stall warning heater modification design change. Without the proper stall warning heat control modification kit, during flights into icing conditions with the landing gear down, ice can form on the stall vane, which may result in failure of the stall warning system. The FAA issued AD 2021–04–07 to require identifying and correcting nonconforming stall warning heat control systems, which, if not addressed, could result in the pilot being unaware of an approaching stall situation.

Actions Since AD 2021–04–07 Was Issued

Since the FAA issued AD 2021–04–07, Piper notified the FAA that paragraph (g) of the AD incorrectly identifies the stall warning heat control modification kit part number (P/N) as P/N 8452–002 instead of P/N 88452–002. As there is no stall warning heat control modification kit with P/N 8452–002, it is impossible for operators to comply with AD 2021–04–07 as written. This AD corrects the error.

FAA's Determination

The FAA is issuing this AD because the agency 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 Piper Service Letter No. 1261, dated July 19, 2019. This service information specifies procedures to identify and correct nonconforming stall warning heat control systems. The intent of this service letter is to ensure that wiring for the stall warning heat control system meets current type design. 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.

Other Related Service Information

The FAA reviewed Piper Mandatory Service Bulletin No. 1192, dated September 15, 2008. This service bulletin is incorporated by reference in AD 2008–26–11, Amendment 39–15777 (73 FR 78934, December 24, 2008), which requires installing stall warning heat control modification kit P/N 88452–002.

AD Requirements

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

except as discussed under ''Differences Between This AD and the Service Information.''

Differences Between This AD and the Service Information

This AD does not require the first step, which is identified as a ''required for compliance'' (RC) step, of Piper Service Letter No. 1261, dated July 19, 2019. The first step specifies reviewing the aircraft records to determine whether the inspection of the stall warning heat control configuration must be done. This AD does not require a records review. Instead, all airplanes identified in the applicability of this AD have to inspect the stall warning heat control configuration.

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.

Since this action retains all of the requirements of AD 2021–04–07 and only corrects an obvious error in the stall warning heat control modification kit part number, it is unlikely that the FAA will receive any adverse comments or useful information about this AD from U.S. operators. Accordingly, notice and opportunity for prior public comment are unnecessary, pursuant to 5 U.S.C. 553(b)(3)(B). In addition, for the foregoing reasons, the FAA finds that good cause exists under 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–2021–0310 and Project Identifier AD–2021–00269–A'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this 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 John Lee, Aviation Safety Engineer, Atlanta ACO Branch, FAA, 1701 Columbia Avenue, College Park, GA 30337. 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

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 prior notice and comment, RFA analysis is not required.

Costs of Compliance

The FAA estimates that this AD affects 1,261 airplanes of U.S. registry.

The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspect stall warning heat control system	1 work-hour × $85 per hour = $85	$0	$85	$107,185

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Install modification kit	1.5 work-hours × $85 per hour = $127.50	$230.00	$357.50

The FAA has included all known costs in its cost estimate. According to the manufacturer, however, some or all of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected operators.

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.

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 2021–04–07, Amendment 39–21428 (86 FR 10770, February 23, 2021); and

■ b. Adding the following new airworthiness directive:

2021–09–02 Piper Aircraft, Inc.: Amendment 39–21515; Docket No. FAA–2021–0310; Project Identifier AD–2021–00269–A.

(a) Effective Date

This airworthiness directive (AD) is effective April 16, 2021.

(b) Affected ADs

This AD replaces AD 2021–04–07, Amendment 39–21428 (86 FR 10770, February 23, 2021).

(c) Applicability

This AD applies to the following Piper Aircraft, Inc., airplanes, certificated in any category:

(1) Model PA–46–350P (Malibu Mirage) airplanes, serial numbers (S/Ns) 4622041, 4636041, 4636142, 4636143, 4636313, 4636341, and 4636379;

(2) Model PA–46–500TP (Malibu Meridian) airplanes, S/Ns 4697141, 4697161, 4697086, and 4697020; and

(3) Models PA–46–350P (Malibu Mirage), PA–46R–350T (Malibu Matrix), and PA–46–500TP (Malibu Meridian) airplanes, all serial numbers, if the left wing has been replaced with a serviceable (more than zero hours time-in-service) wing.

(d) Subject

Joint Aircraft System Component (JASC) Code 3700, VACUUM SYSTEM.

(e) Unsafe Condition

This AD was prompted by nonconforming stall warning heat control systems, utilizing a left wing assembly without the proper stall warning modification design. Without the proper stall warning heat control modification kit during flights into icing conditions with the landing gear down, ice can form on the stall vane, which may result in failure of the stall warning system. The FAA is issuing this AD to identify and correct nonconforming stall warning heat control systems. The unsafe condition, if not addressed, could result in the pilot being unaware of an approaching stall situation.

(f) Compliance

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

(g) Actions

(1) Within 100 hours time-in-service (TIS) after the effective date of this AD or within 12 months after the effective date of this AD, whichever occurs first, inspect the configuration of the stall warning heat control system and, if required, install stall warning heat control modification kit part number (P/N) 88452–002 before further flight in accordance with steps 2 and 3 of the Instructions in Piper Aircraft, Inc., Service Letter No. 1261, dated July 19, 2019.

(2) As of the effective date of this AD, do not install a wing on any Model PA–46–350P (Malibu Mirage), PA–46R–350T (Malibu Matrix), or PA–46–500TP (Malibu Meridian) airplane unless you have determined that the wing has the correct stall warning heat control system as required by paragraph (g)(1) of this AD.

(h) Special Flight Permit

A special flight permit may be issued to operate the airplane to a location where the requirements of this AD can be accomplished provided flight into known icing conditions is prohibited.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Atlanta 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 Related Information.

(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 Piper Aircraft, Inc. Organization Designation Authorization (ODA) that has been authorized by the Manager, Atlanta ACO Branch 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) AMOCs approved for AD 2021–04–07 (86 FR 10770, February 23, 2021) are approved as AMOCs for the corresponding provisions of this AD.

(5) For service information that contains steps that are labeled as Required for Compliance (RC), the following provisions 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. 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.

(j) Related Information

For more information about this AD, contact John Lee, Aviation Safety Engineer, Atlanta ACO Branch, FAA, 1701 Columbia Avenue, College Park, GA 30337; phone: (404) 474–5568; email: *john.lee@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 the AD specifies otherwise.

(3) The following service information was approved for IBR on March 30, 2021 (86 FR 10770, February 23, 2021).

(i) Piper Service Letter No. 1261, dated July 19, 2019.

(ii) [Reserved]

(4) For Piper Aircraft, Inc. service information identified in this AD, contact Piper Aircraft Inc., 2926 Piper Drive, Vero Beach, FL 32960; phone: (772) 299–2686; email: *customerservice@piper.com*; website: *https://www.piper.com/*.

(5) You may view this service information at the FAA, Airworthiness Products Section,

Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

(6) 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 April 13, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–07897 Filed 4–15–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE INTERIOR

Office of Natural Resources Revenue

30 CFR Parts 1206 and 1241

[Docket No. ONRR–2020–0001; DS63644000 DRT000000.CH7000 212D1113RT]

RIN 1012–AA27

ONRR 2020 Valuation Reform and Civil Penalty Rule: Delay of Effective Date

AGENCY: Office of Natural Resources Revenue (''ONRR''), Interior.

ACTION: Final rule; delay of effective date.

SUMMARY: ONRR is delaying the effective date of the final rule entitled ''ONRR 2020 Valuation Reform and Civil Penalty Rule'' (''2020 Rule'') from April 16, 2021 to November 1, 2021. The purpose of this second delay is to avoid placing undue regulatory burdens on lessees caused by allowing the 2020 Rule to go into effect while ONRR considers whether it will revise or withdraw some or all of that rule due to apparent defects in that rule.

DATES: As of April 16, 2021, the effective date of the rule published on at 86 FR 4612 on January 15, 2021, which was initially delayed at 86 FR 9286 on February 12, 2021, is further delayed until November 1, 2021.

Compliance date: With respect to the amendments to 30 CFR part 1206, published at 86 FR 4612 on January 15, 2021, the May 1, 2021, compliance date is delayed indefinitely at this time, and will be addressed in a future rulemaking issued prior to the 2020 Rule's effective date.

FOR FURTHER INFORMATION CONTACT: For questions on procedural issues, contact Dane Templin, Regulations Supervisor, at (303) 231–3149 or *ONRR_RegulationsMailbox@onrr.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On January 15, 2021, ONRR published the 2020 Rule in the **Federal Register**, amending certain regulations that inform the manner in which ONRR values oil and gas produced from Federal leases for royalty purposes; values coal produced from Federal and Indian leases for royalty purposes; and assesses civil penalties for violations of certain statutes, regulations, lease terms, and orders associated with Federal and Indian energy and mineral leases. *See* 86 FR 4612. In addition, the 2020 Rule made minor, non-substantive corrections to ONRR's regulations. As published, the 2020 Rule had an effective date of February 16, 2021, and, for amendments to 30 CFR part 1206 only, a compliance date of May 1, 2021.

On January 20, 2021, the Assistant to the President and Chief of Staff issued a memorandum entitled ''Regulatory Freeze Pending Review'' (''Regulatory Freeze Memorandum'') which, coupled with the guidance on implementation of the memorandum issued by the Office of Management and Budget (''OMB'') in Memorandum M–21–14 dated January 20, 2021, directed agencies to consider delaying the effective date of rules published in the **Federal Register** that had not yet become effective. *See* 86 FR 7424.

Accordingly, on February 12, 2021, ONRR published a final rule in the **Federal Register** to delay the 2020 Rule's effective date until April 16, 2021 (''First Delay Rule,'' 86 FR 9286). The First Delay Rule opened a 30-day comment period, inviting public comment on the facts, law, and policy underlying the 2020 Rule, the effect of the 60-day delay, impacts of a potential further delay, and the criteria listed in OMB Memorandum M–21–14. Of the ten questions posed in the First Delay Rule, eight of the questions pertained to the 2020 Rule and two pertained to the effect of the delay. *See* 86 FR 9287–9288.

In response, ONRR received 1,339 pages of comment material from commenters representing industry members, trade associations, environmental groups, non-governmental organizations, States, and members of the public. Many commenters raised significant concerns pertaining to different aspects of the 2020 Rule, while a few expressed support for the 2020 Rule. Among those concerns, commenters identified potential procedural flaws in the 2020 Rule and expressed that ONRR failed to adequately consider relevant facts or otherwise address objections that had been raised prior to the publication of the 2020 Rule. Some commenters stated that ONRR did not provide certain information in the proposed rule (*see* 85 FR 62054) and, therefore, failed to provide an opportunity for meaningful public comment in the rulemaking process that preceded the 2020 Rule.

ONRR received comments (in response to the First Delay Rule) that identified potential defects in the 2020 Rule—both substantively and procedurally. In addition, since the publication of the 2020 Rule, ONRR's 2021 reexamination has identified potential shortcomings of the 2020 Rule. Potential defects and shortcomings of the 2020 Rule include:

1. The 2020 Rule relied on executive orders that were withdrawn within days after the 2020 Rule's publication and before its effective date. Thus, when the 2020 Rule was to become effective, part of justification for the 2020 Rule no longer existed. Moreover, prior to the current effective date, additional executive orders have been issued which reflect different policy considerations which should be evaluated.

2. The 2020 Rule contained significantly expanded and new justifications for its amendments that were not included in the proposed 2020 Rule, potentially without the full benefit of public comment.

3. The 2020 Rule contained inconsistent language on whether it was intended to incentivize production that would not occur in the absence of the 2020 Rule. And, where the 2020 Rule suggested an amendment was meant in part to incentivize production, the rule lacked an analysis that showed how or to what extent production would increase.

4. ONRR, as the agency charged with collecting and distributing royalties, may lack the authority to propose regulations in an attempt to incentivize production.

5. The reason given for the 2020 Rule's reinstitution of deepwater gathering allowances and extraordinary processing allowance was to incentivize production, but the rule failed to provide adequate factual evidence that the deepwater gathering allowance would, in fact, do so.

6. The proposed 2020 Rule failed to include proposed regulation text to reinstitute a deepwater gathering allowance for Federal gas, and also failed to include much of the proposed regulation text to reinstitute a deepwater gathering allowance for Federal oil. As a result, the public may not have been given adequate opportunity to comment on the proposed changes.

7. The economic analyses supporting the amendments to the index-based valuation option included in the 2020 Rule assumed that 50% of eligible lessees would elect the option and 50% would not without regard to their individual financial interests, rather than assuming that lessees would elect the option—or not—based on their own financial interests. As a result, the proposed and final rules may have understated or misstated the royalty consequences of the option.

8. ONRR did not consider alternatives when it proposed and finalized a change to the index-based options (from the highest to an average).

9. ONRR decided, in the 2020 Rule, to eliminate the requirement of signed contracts. ONRR never considered alternatives such as amending the definition of contract to eliminate ''oral contracts'' or to require the lessee to contemporaneously memorialize the terms of oral contracts for its records.

10. ONRR eliminated the definition of ''misconduct'' rather than considering clarifying amendments.

11. ONRR eliminated the default provision rather than considering clarifying the circumstances under which it would apply (or other amendments).

12. ONRR eliminated the ''coal as electricity'' valuation option but did not discuss potential clarifying amendments or alternatives.

13. ONRR eliminated the definition of ''coal cooperative'' but did not discuss potential clarifying amendments.

14. Whether the Tenth Circuit Court of Appeals decision in *API* v. *U.S. Dep't. of the Interior,* 823 Fed. App'x 583 (10th Cir. 2020) renders ONRR's reliance on Judge Frudenthal's decision in *API* v. *U.S. Dep't. of the Interior,* 366 F. Supp. 3d 1292, 1309–10 (D. Wyo. 2018) improper. Specifically, whether the dismissal of API's petition makes reliance on Judge Frudenthal's decision on 30 CFR 1241.11(b)(5) questionable.

II. Purpose of This Action

The First Delay Rule's comment period closed on March 15, 2021. Upon preliminary review of the comments received, ONRR finds it needs additional time to review the comments on the 2020 Rule (received in response to the First Delay Rule), identifying both procedural and substantive defects in the 2020 Rule. These comments raise new issues and, in part, suggest legitimate bases for a litigation challenge to the 2020 Rule. During this second period of delay, ONRR will review and analyze the comments as well as conduct factual and legal research. ONRR will address and respond to the substantive comments specific to those issues in a subsequent **Federal Register** publication. In the event ONRR finds it appropriate to withdraw or modify the 2020 Rule, it will publish a proposed rule and seek public comment. For this rule, ONRR has summarized and responded to the substantive comments that specifically related to the delay of the 2020 Rule's effective date.

Public Comment: A few commenters urged ONRR to begin implementing the 2020 Rule without further delay. Some commenters disagreed with ONRR's decision to publish the First Delay Rule. These commenters generally advocated against any further delays and urged that the 2020 Rule be allowed to become immediately effective. According to one commenter, ONRR's First Delay Rule failed to sufficiently explain how the change in Executive orders and protracted litigation satisfy the OMB Memorandum's criteria to justify the delay. The commenter additionally noted that ONRR failed to identify any specific defects in the 2020 Rule when it published the First Delay Rule.

ONRR Response: ONRR appreciates that commenters who generally supported or opposed the 2020 Rule at the proposed rule stage continue to support it becoming effective or further delayed, respectively. At this time, one of ONRR's primary concerns is with a fair and transparent rulemaking process that provides adequate time to thoughtfully consider the comments received and to research and develop a response thereto. ONRR disagrees that it failed to justify the first delay in a manner required by the OMB Memorandum. In addition, ONRR finds that it is appropriate, and in the interest of all parties, to delay the 2020 Rule a second time, while it considers any defects in the facts, law, or policy underpinning the 2020 Rule and researches and develops a response to the comments on the 2020 Rule received in response to the First Delay Rule.

Public Comment: One commenter claimed that ONRR's statement relating to the extensive IT system (computer programming), accounting, and other business process modifications ignored the 2020 Rule's conclusion that the minor administrative burden imposed by that rule would be offset by much larger royalty impacts. Another commenter stated that clarity on when the 2020 Rule and its changes will go into effect allows companies to make the appropriate system changes in order to comply with the new requirements. Multiple commenters stated that continually delaying the effective date would create uncertainty, place an undue burden on the regulated entities, and exacerbate the challenges created by ONRR's 2016 Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Reform Rule (''2016 Valuation Rule''). *See* 81 FR 43337 (July 1, 2017).

ONRR Response: ONRR agrees that most lessees would pay less royalties under the 2020 Rule. However, further examination of the facts, law, and policy underpinning the 2020 Rule may not support the 2020 Rule's reduction in royalties.

ONRR acknowledges that changes to its valuation rules often require changes to the business and system processes lessees use to report and pay royalties to ONRR. Historically, ONRR has worked to avoid situations where lessees are required to comply with reporting and payment requirements before lessees have had adequate time to adapt processes to make compliance possible. Production accounting and commodity valuation are technical and complex subjects. As such, before and after the dates on which a rule becomes effective and compliance is required, ONRR works extensively with industry to train, provide guidance, and otherwise assist industry in its efforts to report and pay in compliance with new or amended ONRR regulations. When ONRR published the 2016 Valuation Rule, it provided 6 months between the date of publication and the effective date to allow ONRR and the regulated public time to make system and programming changes. Both following publication of the 2016 Valuation Rule and vacatur of its repeal on March 29, 2019, ONRR provided numerous training sessions and responses to guidance requests from lessees on how to comply with that rule. Even with those outreach efforts, based on the continued concerns lessees raised about their ability to come into compliance with the 2016 Valuation Rule by the deadlines set, ONRR issued three reporter letters (June 13, and November 20, 2019 and June 30, 2020) to provide lessees a total of 18 months of additional time to comply with the 2016 Valuation Rule prior to ONRR's commencement of compliance activities:

1. The first reporter letter gave lessees until January 1, 2020 to come into compliance with the 2016 Valuation Rule, stating ''lessees may need time to modify their royalty reporting systems and submit amended royalty reports.''

2. The second reporter letter further extended the reporting and payment deadline to July 1, 2020. It stated that ''the Department of the Interior received feedback from industry stating that because this reinstatement [of the 2016

Valuation Rule] requires system changes and re-reporting for the period January 1, 2017 through the present, that additional time was necessary for industry to comply.''

3. The third reporter letter, further extended the reporting and payment deadline to October 1, 2020 for reasons similar to the first two reporter letters.

Delaying the 2020 Rule requires no system changes and is necessary to ensure that ONRR has the opportunity to fully review and analyze public comments and to research and develop a response thereto. In that response, ONRR may address substantive issues, if any, underlying the 2020 Rule and take appropriate action, which could include revision or withdrawal of some or all of the 2020 Rule. If ONRR were to determine that substantive issues exist with the 2020 Rule after the 2020 Rule's effective date, it would necessitate another rulemaking that would force industry to undertake and, in many instances, pay for another system change, with the prior system change only being applicable for a brief period between the effective date of the 2020 Rule and ONRR's revision or withdrawal of that rule. As one commenter pointed out, this situation is especially burdensome to small producers with limited staff and resources. In sum, ONRR finds that this delay, which preserves the currently effective regulatory requirements, will contribute to an increase in long-term certainty for lessees and avoid the possibility of administrative costs necessitated by multiple system changes.

Public Comment: One commenter stated that a delay of the 2020 Rule's effective date would result in higher royalty revenue, which in turn impacts the Federal Government, State governments, and taxpayers. The commenter's assumption was based on the analysis in the 2020 Rule that estimated a net decrease in annual royalty revenues of $28.9 million. The commenter asserted that ONRR neither adequately measured the resulting impacts nor explained why the 2020 Rule's benefits justified the costs. The commenter concluded that an additional delay would allow ONRR the opportunity to correctly evaluate the 2020 Rule's impacts.

Other commenters supported further delaying the 2020 Rule's effective date to the extent necessary to accomplish a withdrawal or repeal of the 2020 Rule, which the commenters believe is in the interests of regulatory certainty and the public, and would avoid unnecessary administrative costs.

ONRR Response: ONRR appreciates the concerns from all commenters on the changes to royalty and administrative costs associated with this rule. While ONRR understands the general concerns expressed by some of the commenters, none of the comments received provided tangible evidence showing that a second delay will significantly harm or affect the operational decision-making of lessees prior to the 2020 Rule's effective date as extended by the First Delay Rule or a second delay. The second delay provided by this rule leaves in place the requirements that have been applicable since January 1, 2017, which, as the commenter and 2020 Rule's economic analysis conclude, result in higher royalties overall than the 2020 Rule. The delay will allow time for additional research into the validity of the issues raised by the comments, as well as time for compliance with the requirements of the 2020 Rule.

Throughout the period of this second delay, ONRR will continue to fulfill its statutory responsibility to ensure prompt and proper collection and disbursement of royalties in accordance with the regulations that are currently in effect. Given that ONRR received no evidence demonstrating a delay is harmful to the public, States, or industry, ONRR finds that a second delay of the effective date will have no impact on its ability to perform its statutory duties. Moreover, a second delay of the 2020 Rule's effective date will ensure a fair, transparent, and procedurally-sound final decision.

Public Comment: One commenter requested clarification on whether a delay in the 2020 Rule's effective date would also postpone the compliance date for the 30 CFR part 1206 amendments, or if the compliance date continues to be May 1, 2021.

ONRR Response: This rule delays the 2020 Rule's effective date to November 1, 2021. ONRR could not require compliance on May 1, 2021 because that date now falls before the 2020 Rule's effective date. ONRR did not receive comments discussing the appropriate time period between the effective date and the compliance date. If ONRR determines it is appropriate to allow the 2020 Rule to go into effect, ONRR will provide a reasonable time period for lessees to come into compliance with the amendments, if any, to 30 CFR part 1206 included in the 2020 Rule.

III. Good Cause

This rule will become effective immediately upon its publication in the **Federal Register** and is based on the good cause exception in 5 U.S.C. 553(d)(3). This delay avoids burdens to lessees associated with a rule change by postponing any rule change while ONRR reviews the potential substantive and procedural concerns with 2020 Rule—including those identified in this rule. Lessees will continue to comply with the requirements that have been applicable since January 1, 2017 and remain effective today. Also, it provides additional time for regulated entities to plan for implementation of system modifications required for compliance with the 2020 Valuation Rule. Furthermore, ONRR seeks to review new information submitted through public comment that identifies fundamental deficiencies in the 2020 Valuation Rule and may result in different conclusions regarding the impact of certain provisions. (See, for example, the potential shortcomings in the 2020 Rule identified in the numbered paragraphs in Background section, above). ONRR will also review the 2020 Rule in light of public comments suggesting the potential for litigation, which would generate further uncertainty for regulated entities. Further, since this rule effects only a continuation of the delay of the effective date, there is no substantive change to which parties would need time to adjust their business practices or procedures on account of the delay.

ONRR finds that it is in the public interest to not allow the 2020 Rule to go into effect on April 16, 2021. As explained in the comment responses above, lessees incur significant costs to adapt their computer and accounting systems and reporting activities to changes in ONRR's valuation regulations. Also explained above, ONRR provided an initial 6 months between publication and effective dates of the 2016 Valuation Rule, and then after the 2019 vacatur of the 2017 repeal of the 2016 Valuation Rule, industry sought, and ONRR provided, an additional 18 months for industry to come into compliance with the 2016 Valuation Rule before beginning compliance activities. The 2020 Rule covers a number of the same subjects that were covered in the 2016 Valuation Rule. If the 2020 Rule were allowed to go into effect on April 16, and ONRR, following its on-going review, concluded it is appropriate to withdraw or revise, in whole or in part, the 2020 Rule, it would cause lessees to incur significant administrative costs to first adapt to the 2020 Rule, and then incur a similar amount to adapt to the 2020 Rule's withdrawal or revision. Thus, ONRR believes it is in the public interest to pursue a course that results

in no more than one effort by lessees to adapt their systems and practices, and which allows adequate time for computer and accounting system changes.

This delay preserves the currently effective requirements while ONRR's review of comments is ongoing and final decisions are being made consistent with (1) the withdrawal of the Executive orders on which the 2020 Rule was, in part, based and (2) the issuance of new Executive orders, including, but not limited to, Executive Order 13990, ''Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis,'' Executive Order 13992, ''Revocation of Certain Executive Orders Concerning Federal Regulation,'' and Executive Order 14008, ''Tackling the Climate Crisis at Home and Abroad.'' *See* 86 FR 7037 (Jan. 25, 2021), 86 FR 7049 (Jan. 25, 2021), and 86 FR 7619 (Feb. 1, 2021), respectively.

The Administrative Procedure Act's (APA) legislative history indicates that the purpose of the notice requirement at 5 U.S.C. 553(d)(3) is to ''afford persons affected a reasonable time to prepare for the effective date of a rule or rules or to take any other action which the issuance of rules may prompt.'' S. Rep. No. 752, 79th Cong., 1st Sess. 201 (1946) and H.R. Rep. No. 1980, 79th Cong., 2nd Sess. 259 (1946). Delaying the effective date provides certainty for the regulated industry during the delay period while ONRR continues to review the 2020 Rule, and eliminates circumstances which would otherwise require regulated entities to update their reporting processes in anticipation of compliance with a rule that may be subject to further revision or withdrawal. ONRR is committed to ensuring transparency and providing certainty in the adequacy and finality of the 2020 Rule. Thus, it would be contrary to the public interest for the 2020 Rule to go into effect, with its accompanying changes in reporting and payment requirements, while the 2020 Rule remains under review. To do otherwise would lead to uncertainty and confusion regarding reporting and payment requirements, duplication of effort, a potential and unnecessary increase in administrative costs, and a strain on lessees and recipient States while the interpretation and application of valuation and payment rules change.

In the First Delay Rule, ONRR anticipated that a second delay might be necessary. *See* 86 FR 9288. For the reasons stated above, and specifically those related to the identified potential shortcomings in the 2020 Rule as well as undue burdens on regulated entities, ONRR believes this second delay, until November 1, is appropriate. Thus, ONRR finds that there is good cause for this action under 5 U.S.C. 553(d)(3) for this rule to become effective immediately upon publication. This action is taken pursuant to delegated authority.

List of Subjects

30 CFR Part 1206

Coal, Continental shelf, Geothermal energy, Government contracts, Indians-lands, Mineral royalties, Oil and gas exploration, Public lands-mineral resources, Reporting and recordkeeping requirements.

30 CFR Part 1241

Administrative practice and procedure, Coal, Geothermal energy, Indians-lands, Mineral royalties, Natural gas, Oil and gas exploration, Penalties, Public lands-mineral resources.

Rachael S. Taylor,

Principal Deputy Assistant Secretary—Policy, Management and Budget.

[FR Doc. 2021–07886 Filed 4–14–21; 4:15 pm]

BILLING CODE 4335–30–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2021–0149]

Special Local Regulation: Fort Lauderdale Air Show; Atlantic Ocean, Fort Lauderdale, FL

AGENCY: Coast Guard, Department of Homeland Security (DHS).

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce a special local regulation on May 7, 8, and 9, 2021, from 9:00 a.m. to 6:00 p.m. each day to provide for the safety of life on certain navigable waters during the Fort Lauderdale Air Show. During the enforcement period, all non-participant persons and vessels will be prohibited from entering, transiting, anchoring in, or remaining within the regulated area unless authorized by the Captain of the Port Miami or a designated representative. The operator of any vessel in the regulated area must comply with instructions from the Coast Guard or designated representative.

DATES: The regulation in 33 CFR 100.702, Table to § 100.702, Line 3, will be enforced on May 7, 8, and 9, 2021, from 9:00 a.m. to 6:00 p.m. each day.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, call or email Mr. Omar Beceiro, Sector Miami Waterways Management Division, U.S. Coast Guard: Telephone: 305–535–4317, Email: *Omar.Beceiro@uscg.mil*.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce a special local regulation for the Fort Lauderdale Air Show published in 33 CFR 100.702, Table to § 100.702, Line 3, on May 7, 8, and 9, 2021, from 9:00 a.m. through 6:00 p.m. each day. This action is being taken to provide for the safety and security of certain navigable waters during this event. Our regulation for marine events within the Seventh Coast Guard District, § 100.702 specifies the location of the special local regulation for the Fort Lauderdale Air Show, which is located on the Atlantic Ocean east of Fort Lauderdale Beach. Only event sponsor designated participants and official patrol vessels will be allowed to enter the regulated area. Spectators may contact the Coast Guard Patrol Commander to request permission to pass through the regulated area. If permission is granted, spectators must pass directly through the regulated area at a safe speed without loitering.

In addition to this notice of enforcement in the **Federal Register**, the Coast Guard will inform the public through Local Notice to Mariners and marine information broadcasts at least 24 hours in advance of the enforcement of the special local regulation.

Dated: April 12, 2021.

J.F. Burdian,

Captain, U.S. Coast Guard, Captain of the Port Miami.

[FR Doc. 2021–07814 Filed 4–15–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 210210–0018; RTID 0648–XA774]

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for pollock in Statistical Area 630 in the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the A season allowance of the 2021 total allowable catch (TAC) of pollock for Statistical Area 630 in the GOA.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), April 14, 2021, through 1200 hours, A.l.t., May 31, 2021.

FOR FURTHER INFORMATION CONTACT: Krista Milani, 907–581–2062.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The A season allowance of the 2021 TAC of pollock in Statistical Area 630 of the GOA is 6,297 metric tons (mt) as established by the final 2021 and 2022 harvest specifications for groundfish in the GOA (86 FR 10184, February 19, 2021).

In accordance with § 679.20(d)(1)(i), the Regional Administrator has determined that the A season allowance of the 2021 TAC of pollock in Statistical Area 630 of the GOA will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 6,097 mt and is setting aside the remaining 200 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for pollock in Statistical Area 630 of the GOA.

While this closure is effective the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR part 679, which was issued pursuant to section 304(b), and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest, as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of pollock in Statistical Area 630 in the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of April 12, 2021.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: April 13, 2021.

Kelly Denit,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2021–07876 Filed 4–13–21; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 86, No. 72
Friday, April 16, 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 AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 319

[Docket No. APHIS–2016–0099]

RIN 0579–AE45

Importation of Fresh Avocado Fruit From Continental Ecuador Into the Continental United States; Reopening of Comment Period

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: We are reopening the comment period for a proposed rule to allow the importation of commercial avocados from continental Ecuador into the continental United States after taking a new pest into consideration and including additional phytosanitary measures. We are also notifying the public of the availability of a revised pest risk assessment and revised risk management document associated with this notice. This action will allow interested persons additional time to prepare and submit comments.

DATES: The comment period for the proposed rule published on June 15, 2018 (83 FR 27918–27922) is reopened. We will consider all comments that we receive on or before May 17, 2021.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *www.regulations.gov*. Enter APHIS–2016–0099 in the Search field. Select the Documents tab, then select the Comment button in the list of documents.
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2016–0099, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Supporting document and any comments we receive on this docket may be viewed at *regulations.gov* or in our reading Room, which 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.

FOR FURTHER INFORMATION CONTACT: Ms. Claudia Ferguson, Senior Regulatory Policy Specialist, Regulatory Coordination and Compliance, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737–1231; (301) 851–2352.

SUPPLEMENTARY INFORMATION: On June 15, 2018, the Animal and Plant Health Inspection Service (APHIS) published in the **Federal Register** (83 FR 27918–27922, Docket No. APHIS–2016–0099) a proposed rule [1] to authorize the importation of commercial fresh avocado from continental Ecuador into the continental United States.

The proposed rule was based on a pest risk assessment (PRA) that found four quarantine pests to be candidates for pest risk management. The quarantine pests were the fruit flies *Anastrepha fraterculus* (Wiedemann), *Anastrepha serpentina* (Wiedemann), *Anastrepha striata* (Schiner), and *Ceratitis capitata* (Wiedemann). All avocado varieties except the Hass variety are hosts for these quarantine pests. Consequently, APHIS proposed to allow the importation of avocados from Ecuador into the United States under a systems approach that included phytosanitary measures to safeguard against these pests for all varieties of avocado except the Hass variety.

During the public comment period, we received information from a commenter that led us to add the avocado seed pest *Stenoma catenifer* to a revised PRA. The revised PRA determined that *Stenoma catenifer* was a candidate for pest risk management for all varieties of avocado imported from continental Ecuador. In light of this change, we revised the risk management document (RMD) to include pest risk management measures for *Stenoma catenifer* for all avocado varieties. We are making the more recent version of the PRA available for public review and comment, as well as the revised version of the RMD that reflects this change.

Based on the findings of the revised PRA, we are proposing that commercial fresh avocado fruit may be imported into the continental United States from continental Ecuador subject to the conditions outlined in the June 2018 proposed rule, as well as additional conditions designed to safeguard against *Stenoma catenifer.* These additional conditions are:

- Avocados must be grown in pest free places of production for the avocado seed pest *Stenoma catenifer* that are established and maintained in accordance with international standards. APHIS must approve the survey protocol used by the National Plant Protection Organization (NPPO) of Ecuador to determine and maintain pest free status.
- If the avocados are grown in a municipality free of *Stenoma catenifer,* the municipality must be surveyed every 6 months (twice a year) for the pest. Representative areas of the municipality where there are avocado trees, including production sites and urban areas, must be sampled.
- If the avocados are grown in a municipality not completely free of *Stenoma catenifer,* the NPPO of Ecuador can certify individual places of production as pest free. The surveys for pest free places of production must include representative areas from all parts of each registered place of production and a buffer zone of 1 kilometer. The places of production and buffer zone must be surveyed monthly for *Stenoma catenifer* from 2 months before harvest until harvest is completed.
- If one or more *Stenoma catenifer* are detected during a survey or during any other monitoring or inspection activity, the place of production will be prohibited from exporting avocados to the continental United States until APHIS and the NPPO of Ecuador jointly agree that the risk has been mitigated.
- The NPPO of Ecuador must keep records of *Stenoma catenifer* detections for each place of production, and update the records each time the places of production are surveyed. The records must be maintained for at least 1 year and provided for APHIS' review, if requested.

These conditions are described in further detail in the revised RMD. The

[1] To view the proposed rule, supporting documents, and comments we received, please follow the directions above for the Federal eRulemaking Portal under **ADDRESSES**.

NPPO of Ecuador would also have to enter into an operational work plan with APHIS that details the daily procedures the NPPO will take to meet these and all conditions.

Comments on the proposed rule were required to be received on or before August 14, 2018. We are reopening the comment period on Docket No. APHIS–2016–0099 for an additional 30 days. This action will allow interested persons additional time to review the revised PRA and RMD, and prepare and submit comments.

Finally, we note that the proposed rule was issued prior to the October 15, 2018, effective date of a final rule [2] that revised the regulations in 7 CFR 319.56–4 by broadening an existing performance standard to provide for approval of all new fruits and vegetables for importation into the United States using a notice-based process. That final rule also specified that region- or commodity-specific phytosanitary requirements for fruits and vegetables would no longer be found in the regulations, but instead in APHIS' Fruits and Vegetables Import Requirements database (FAVIR). With those changes to the regulations, we will be unable to issue the final regulations as contemplated in our June 2018 proposed rule. Instead, following this reopened comment period, if we finalize this action, it will be through the issuance of a notification.

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 12th day of April 2021.

Mark Davidson,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2021–07747 Filed 4–15–21; 8:45 am]

BILLING CODE 3410–34–P

[2] To view the final rule, please follow the directions above for the Federal eRulemaking Portal under **ADDRESSES**, and enter APHIS–2010–0082 in the search field.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 985

[Doc. No. AMS–SC–20–0087; SC21–985–1 PR]

Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Salable Quantities and Allotment Percentages for the 2021–2022 Marketing Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule invites comments on a recommendation from the Far West Spearmint Oil Administrative Committee (Committee) to establish salable quantities and allotment percentages for Class 1 (Scotch) and Class 3 (Native) spearmint oil produced in Washington, Idaho, Oregon, and designated parts of Nevada and Utah (the Far West) for the 2021–2022 marketing year.

DATES: Comments must be received by June 15, 2021.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposed rule. Comments must be sent to the Docket Clerk, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, STOP 0237, Washington, DC 20250–0237; or internet: *https://www.regulations.gov.* Comments should reference the document number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours or can be viewed at: *https://www.regulations.gov.* All comments submitted in response to this proposal will be included in the record and will be made available to the public. Please be advised that the identity of the individuals or entities submitting the comments will be made public on the internet at the address provided above.

FOR FURTHER INFORMATION CONTACT: Joshua R. Wilde, Marketing Specialist, or Gary Olson, Regional Director, Northwest Marketing Field Office, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA; Telephone: (503) 326–2724, or email: *Joshua.R.Wilde@usda.gov* or *GaryD.Olson@usda.gov.*

Small businesses may request information on complying with this regulation by contacting Richard Lower, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, or email: *Richard.Lower@usda.gov.*

SUPPLEMENTARY INFORMATION: This action, pursuant to 5 U.S.C. 553, proposes an amendment to regulations issued to carry out a marketing order as defined in 7 CFR 900.2(j). This proposed rule is issued under Marketing Order No. 985, as amended (7 CFR part 985), regulating the handling of spearmint oil produced in the Far West. Part 985 (referred to as the ''Order'') is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.'' The Committee locally administers the Order and is comprised of spearmint oil producers operating within the area of production, and a public member.

The Department of Agriculture (USDA) is issuing this proposed rule in conformance with Executive Orders 13563 and 13175. This action falls within a category of regulatory actions that the Office of Management and Budget (OMB) exempted from Executive Order 12866 review.

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect. Under the Order now in effect, salable quantities and allotment percentages may be established for classes of spearmint oil produced in the Far West. This proposed rule would establish quantities and allotment percentages for Scotch and Native spearmint oil for the 2021–2022 marketing year, which begins on June 1, 2021.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to a marketing order may file with USDA a petition stating that the marketing order, any provision of the marketing order, or any obligation imposed in connection with the marketing order is not in accordance with law and request a modification of the marketing order or to be exempted therefrom. Such a handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States (U.S.) in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed

not later than 20 days after the date of the entry of the ruling.

Pursuant to §§ 985.50, 985.51, and 985.52, the Order requires the Committee to meet each year to consider supply and demand of spearmint oil and to adopt a marketing policy for the ensuing marketing year. When such considerations indicate a need to establish or to maintain stable market conditions through volume regulation, the Committee recommends salable quantity limitations and producer allotments to regulate the quantity of Far West spearmint oil available to the market.

According to § 985.12, ''salable quantity'' is the total quantity of each class of oil (Scotch or Native) that handlers may purchase from, or handle on behalf of, producers during a given marketing year. The total industry allotment base is the aggregate of all allotment bases held individually by producers as prescribed under § 985.53(d)(1). The total allotment base is revised each year on June 1 to account for producer base being lost as a result of the ''bona fide effort'' production provision of § 985.53(e) and additional base made available pursuant to the provisions of § 985.153.

Each producer's prorated share of the salable quantity of each class of oil, or their ''annual allotment'' as defined in § 985.13, is calculated by using an allotment percentage. The allotment percentage is derived by dividing the salable quantity of each class of spearmint oil by the total industry allotment base for that same class of oil.

The Committee met on October 14, 2020, to consider its marketing policy for the 2021–2022 marketing year. At that meeting, the Committee determined that, based on the current market and supply conditions, volume regulation for both classes of oil would be necessary. With a 6–1 vote, the Committee recommended a salable quantity and allotment percentage for Scotch spearmint oil of 846,684 pounds and 38 percent. The member voting in opposition to the recommendation favored volume regulation but supported an unspecified lower salable quantity and allotment percent than what was recommended. The Committee voted six in favor, with one abstention, to recommend a salable quantity and allotment percentage for Native spearmint oil of 938,397 pounds and 37 percent. The member abstaining did not give a reason.

This proposed action would establish the amount of Scotch and Native spearmint oil that handlers may purchase from, or handle on behalf of, producers during the 2021–2022 marketing year, which begins on June 1, 2021. Salable quantities and allotment percentages have been placed into effect each season since the Order's inception in 1980.

Scotch Spearmint Oil

The Committee recommended a Scotch spearmint oil salable quantity of 846,684 pounds and an allotment percentage of 38 percent for the 2021–2022 marketing year. The proposed 2021–2022 marketing year salable quantity of 846,684 pounds is 8,355 pounds more than the 2020–2021 marketing year salable quantity of 838,329 pounds. The allotment percentage, recommended at 38 percent for the 2021–2022 marketing year, is the same as the percentage in effect the previous year. The total allotment base for the coming marketing year is estimated to be 2,228,116 pounds. This figure represents a one-percent increase over the 2020–2021 marketing year total allotment base of 2,206,055 pounds. The salable quantity (846,684 pounds) is the product of total allotment base (2,228,116 pounds) times the allotment percentage (38 percent).

The Committee considered several factors in making its recommendation, including the current and projected future supply, estimated future demand, production costs, and producer prices. The Committee's recommendation also accounts for the established acreage of Scotch spearmint, consumer demand, existing carry-in, reserve pool volume, and increased production in competing markets.

According to the Committee, as costs of production have increased and spearmint oil prices have decreased, many producers have forgone new plantings of Scotch spearmint. This has resulted in a significant decline in production of Scotch spearmint oil in recent years. Production has decreased from 1,113,346 pounds produced in 2016 to an estimated 498,322 pounds of Scotch spearmint oil produced in 2020.

Industry reports indicate that trade demand for Far West Scotch spearmint oil has decreased over the past five years as international markets for spearmint-flavored products have slowed. Sales of Far West Scotch spearmint oil have averaged 740,216 pounds per year over the last five years but have averaged only 645,965 pounds over the last three years. In addition to declining spearmint oil demand, increasing production of Scotch spearmint oil in competing markets, most notably by Canadian producers, has put additional downward pressure on the Far West Scotch spearmint oil market.

Given the general decline in demand and anticipated market conditions for the coming year, the Committee estimates that Scotch spearmint oil trade demand for the 2021–2022 marketing year trade will be 623,000 pounds, which is 19,000 pounds higher than the 2020–2021 estimate, but still down from the three-year average of actual sales. Should the proposed volume regulation levels prove insufficient to adequately supply the market, the Committee has the authority to recommend intra-seasonal increases, as it has in previous marketing years.

The Committee calculated the minimum salable quantity of Scotch spearmint oil that would be required during the 2021–2022 marketing year (359,424 pounds) by subtracting the estimated salable carry-in (263,576 pounds) on June 1, 2021, from the estimated trade demand (623,000 pounds). This minimum salable quantity represents the estimated minimum amount of Scotch spearmint oil that would be needed to satisfy estimated trade demand for the coming year. To ensure that the market would be fully supplied, the Committee recommended a 2021–2022 marketing year salable quantity of 846,684 pounds. The recommended salable quantity, combined with an estimated 263,576 pounds of salable quantity carried in from the previous year, would yield a total available supply of 1,110,260 pounds of Scotch spearmint oil for the 2021–2022 marketing year. With the recommended salable quantity and current market environment, the Committee estimates that as much as 487,260 pounds of salable Scotch spearmint oil could be carried into the 2022–2023 marketing year.

Salable carry-in is the primary measure of excess spearmint oil supply under the Order, as it represents overproduction in prior years that is currently available to the market without restriction. Under volume regulation, spearmint oil that is designated as salable continues to be available to the market until it is sold and may be marketed at any time at the discretion of the owner. Salable quantities established under volume regulation over the last four seasons have exceeded sales, leading to a gradual build of Scotch spearmint oil salable carry-in.

The Committee estimates that there will be 263,576 pounds of salable carry-in of Scotch spearmint oil on June 1, 2021. If current market conditions are maintained and the Committee's projections are correct, salable carry-in would increase to 487,260 pounds at the beginning of the 2022–2023 marketing

year. This level would be above the quantity that the Committee generally considers favorable (150,000 pounds). However, the Committee believes that, given the current economic conditions in the Scotch spearmint oil industry, some Scotch spearmint oil producers may not produce enough oil in the 2021–2022 marketing year to fill all of their annual allotment. The Committee estimates that as much as 245,352 pounds of 2020–2021 marketing year annual allotment may not be filled by producers. While the Committee has not projected unused base allotment for the 2021–2022 marketing year and did not incorporate this factor in its recommendation, it anticipates that the actual quantity of Scotch spearmint oil carried into the following marketing year will be significantly less than the quantity calculated above (487,260 pounds).

Spearmint oil held in reserve is oil that has been produced in excess of a producer's marketing year allotment and is not available to the market in the current marketing year without an increase in the salable quantity and allotment percentage. Oil held in the reserve pool is another indicator of excess supply. Scotch spearmint oil held in the reserve pool was 67,645 pounds as of May 31, 2020, down from 132,984 pounds as of May 31, 2019. However, the Scotch spearmint oil reserve is expected to rebound slightly to an estimated 83,608 pounds by the end of the 2020–2021 marketing year. This quantity of reserve pool oil should be an adequate buffer to supply the market, if necessary, should the industry experience an unexpected increase in demand.

The Committee recommended an allotment percentage of 38 percent for the 2021–2022 marketing year for Scotch spearmint oil. During its October 14, 2020, meeting, the Committee calculated an initial allotment percentage by dividing the minimum required salable quantity (359,424 pounds) by the total estimated allotment base (2,228,116 pounds), resulting in 16.1 percent. However, producers and handlers at the meeting indicated that the computed percentage (16.1 percent) might not adequately supply potential 2021–2022 Scotch spearmint oil market demand and may also result in a less than desirable carry-in for the subsequent marketing year. After deliberation, the Committee increased the recommended allotment percentage to 38 percent. The total estimated allotment base (2,228,116 pounds) for the 2021–2022 marketing year, multiplied by the recommended salable allotment percentage (38 percent), yields 846,684 pounds, which is the recommended salable quantity for the 2021–2022 marketing year.

The 2021–2022 marketing year computational data for the Committee's recommendations is detailed below.

(A) *Estimated carry-in of Scotch spearmint oil on June 1, 2021: 263,576 pounds.* This figure is the difference between the 2020–2021 marketing year total available supply of 867,576 pounds and the 2020–2021 marketing year estimated trade demand of 604,000 pounds. The estimated 2020–2021 marketing year trade demand was revised down from the original estimate of 750,000 pounds by the Committee at its October 14, 2020, meeting.

(B) *Estimated trade demand of Scotch spearmint oil for the 2021–2022 marketing year: 623,000 pounds.* This figure was established at the Committee meeting held on October 14, 2020.

(C) *Salable quantity of Scotch spearmint oil required from the 2021–2022 marketing year production: 359,424 pounds.* This figure is the difference between the estimated 2021–2022 marketing year trade demand (623,000 pounds) and the estimated carry-in on June 1, 2021 (263,576 pounds). This salable quantity represents the minimum amount of Scotch spearmint oil that would be needed to satisfy estimated demand for the coming year.

(D) *Total estimated Scotch spearmint oil allotment base of for the 2021–2022 marketing year: 2,228,116 pounds.* This figure represents a one-percent increase over the 2020–2021 total actual allotment base of 2,206,055 pounds, as prescribed by § 985.53. The one-percent increase equals 22,061 pounds. This total estimated allotment base is revised each year on June 1 in accordance with § 985.53(e).

(E) *Computed Scotch spearmint oil allotment percentage for the 2021–2022 marketing year: 16.1 percent.* This percentage is computed by dividing the minimum required salable quantity (359,424 pounds) by the total estimated allotment base (2,228,116 pounds).

(F) *Recommended Scotch spearmint oil allotment percentage for the 2021–2022 marketing year: 38 percent.* This is the Committee's recommendation and is based on the computed allotment percentage (16.1 percent) and input from producers and handlers at the October 14, 2020, meeting. The recommended 38 percent allotment percentage reflects the Committee's belief that the computed percentage (16.1 percent) may not adequately supply the anticipated 2021–2022 marketing year Scotch spearmint oil market demand.

(G) *Recommended Scotch spearmint oil salable quantity for the 2021–2022 marketing year: 846,684 pounds.* This figure is the product of the recommended salable allotment percentage (38 percent) and the total estimated allotment base (2,228,116 pounds) for the 2021–2022 marketing year.

(H) *Estimated total available supply of Scotch spearmint oil for the 2021–2022 marketing year: 1,110,260 pounds.* This figure is the sum of the 2021–2022 marketing year recommended salable quantity (846,684 pounds) and the estimated carry-in on June 1, 2021 (263,576 pounds).

For the reasons stated above, the Committee believes that the recommended salable quantity and allotment percentage would adequately satisfy trade demand, would result in a reasonable carry-in for the following year, and would contribute to the orderly marketing of Scotch spearmint oil.

Native Spearmint Oil

The Committee recommended a Native spearmint oil salable quantity of 938,397 pounds and an allotment percentage of 37 percent for the 2021–2022 marketing year. These figures are, respectively, 292,089 pounds and 12 percentage points lower than the levels established for the 2020–2021 marketing year.

The Committee utilized handlers' estimated trade demand of Native spearmint oil for the coming year, historical and current Native spearmint oil production, inventory statistics, and international market data obtained from consultants for the spearmint oil industry to arrive at these recommendations.

The Committee anticipates that 2021 Native spearmint oil production will total 1,181,230 pounds, down substantially from the previous year's production of 1,493,686 pounds. Committee records show an estimated 7,957 acres of Native spearmint production in the Far West in 2020 compared to an estimated 9,013 acres of Native spearmint production in 2019.

Sales of Native spearmint oil have also been declining, falling from a high of 1,565,515 pounds in the 2017–2018 marketing year to 1,076,906 pounds over the 2019–2020 marketing year, the last full year of reported sales. The Committee estimates that trade demand for Native spearmint oil will be 1,059,167 pounds for the 2020–2021 marketing year, well below the 5-year sales average of 1,283,266 pounds.

The Committee expects that 694,137 pounds of salable Native spearmint oil

from prior years will be carried into the 2021–2022 marketing year. This amount is up from the 522,818 pounds of salable oil carried into the 2020–2021 marketing year and well above the level that the Committee generally considers favorable.

Further, the Committee estimated that there will be 1,130,264 pounds of Native spearmint oil in the reserve pool at the beginning of the 2021–2022 marketing year. This figure is 49,256 pounds lower than the quantity of reserve pool oil held by producers on June 1, 2020, but is still higher than the level that the Committee believes is optimal. This modest decline in the reserve oil reverses the recent trend of gradual increases that the industry has experienced over the past several marketing years.

The Committee expects end users of Native spearmint oil to continue to rely on Far West production as their primary source of high-quality Native spearmint oil. Overseas production of Native spearmint has declined in recent years. As a result, U.S. exports of Native spearmint oil have been increasing since 2018. However, the increase in domestic production from other states outside the Far West region has more than offset the decline in foreign production of Native spearmint oil. For instance, production of Native spearmint oil in the U.S. Midwest region has spiked in recent years, rising from fewer than 2,000 acres in 2016 to approximately 5,500 acres in 2020. Additionally, the sharp increase in demand for Native spearmint experienced during the 2017–2018 marketing year has tapered off in recent years. These factors have contributed to declining trade demand for Far West Native spearmint oil and led to downward pressure on producer prices.

The Committee chose to be cautiously optimistic in the establishment of its trade demand estimate for the 2021–2022 marketing year to ensure that the market would be adequately supplied. At the October 14, 2020, meeting, the Committee estimated the 2021–2022 marketing year Native spearmint oil trade demand to be 1,125,000 pounds. This figure is based on input provided by producers at nine production area meetings held in early October 2020, as well as estimates provided by handlers and other meeting participants. This figure represents an increase of 65,833 pounds from the previous year's revised trade demand estimate. The average estimated trade demand for Native spearmint oil derived from the area producer meetings was 1,105,556 pounds, whereas the handlers' estimates ranged from 900,000 to 1,300,000 pounds. The average of Native spearmint oil sales over the last three years was 1,295,832 pounds. The quantity marketed over the most recent full marketing year, 2019–2020, was 1,076,906 pounds.

The estimated June 1, 2021, carry-in of 694,137 pounds of Native spearmint oil, plus the recommended 2021–2022 marketing year salable quantity of 938,397 pounds, would result in an estimated total available supply of 1,632,534 pounds of Native spearmint oil during the 2021–2022 marketing year. With the corresponding estimated trade demand of 1,125,000 pounds, the Committee projects that 507,534 pounds of oil will be carried into the 2022–2023 marketing year. This would result in a year-over-year decrease of 186,603 pounds. The Committee estimates that there will be 1,130,264 pounds of Native spearmint oil held in the reserve pool at the beginning of the 2021–2022 marketing year. Should the industry experience an unexpected increase in trade demand, oil in the Native spearmint oil reserve pool could be released through an intra-seasonal increase to satisfy that demand.

The Committee recommended a producer allotment percentage of 37 percent for the 2021–2022 marketing year. During its October 14, 2020, meeting, the Committee calculated an initial producer allotment percentage of 17 percent by dividing the minimum required salable quantity to satisfy estimated trade demand (430,863 pounds) by the total allotment base (2,536,208 pounds). However, producers and handlers at the meeting expressed that the computed percentage of 17 percent may not adequately supply the potential 2021–2022 Native spearmint oil market demand or result in adequate carry-in for the subsequent marketing year. After deliberation, the Committee increased the recommended allotment percentage to 37 percent. The total estimated allotment base (2,536,208 pounds) for the 2021–2022 marketing year multiplied by the recommended salable allotment percentage (37 percent) yields 938,397 pounds, the recommended salable quantity for the year.

The 2021–2022 marketing year computational data for the Committee's recommendations is further outlined below.

(A) *Estimated carry-in of Native spearmint oil on June 1, 2021: 694,137 pounds.* This figure is the difference between the revised 2020–2021 marketing year total available supply of 1,753,304 pounds and the revised 2020–2021 marketing year estimated trade demand of 1,059,167 pounds.

(B) *Estimated trade demand of Native spearmint oil for the 2021–2022 marketing year: 1,125,000 pounds.* This estimate was established by the Committee at the October 14, 2020, meeting.

(C) *Salable quantity of Native spearmint oil required from the 2021–2022 marketing year production: 430,863 pounds.* This figure is the difference between the estimated 2021–2022 marketing year estimated trade demand (1,125,000 pounds) and the estimated carry-in on June 1, 2021 (694,137 pounds). This is the minimum amount of Native spearmint oil that the Committee believes would be required to meet the anticipated 2021–2022 marketing year trade demand.

(D) *Total estimated allotment base of Native spearmint oil for the 2021–2022 marketing year: 2,536,208 pounds.* This figure represents a one-percent increase over the 2020–2021 total actual allotment base of 2,511,097 pounds as prescribed in § 985.53. The one-percent increase equals 25,111 pounds of oil. This estimate is revised each year on June 1, due to adjustments resulting from the bona fide effort production provisions of § 985.53(e).

(E) *Computed Native spearmint oil allotment percentage for the 2021–2022 marketing year: 17.0 percent.* This percentage is calculated by dividing the required salable quantity (430,863 pounds) by the total estimated allotment base (2,536,208 pounds) for the 2021–2022 marketing year.

(F) *Recommended Native spearmint oil allotment percentage for the 2021–2022 marketing year: 37 percent.* This is the Committee's recommendation based on the computed allotment percentage (17.0 percent) and input from producers and handlers at the October 14, 2020, meeting. The recommended 37 percent allotment percentage is based on the Committee's belief that the computed percentage (17.0 percent) may not adequately supply the potential market for Native spearmint oil in the 2021–2022 marketing year or allow for salable Native spearmint oil to be carried into the beginning of the 2022–2023 marketing year.

(G) *Recommended Native spearmint oil 2021–2022 marketing year salable quantity: 938,397 pounds.* This figure is the product of the recommended allotment percentage (37 percent) and the total estimated allotment base (2,536,208 pounds).

(H) *Estimated available supply of Native spearmint oil for the 2021–2022 marketing year: 1,632,534 pounds.* This figure is the sum of the 2021–2022 recommended salable quantity (938,397 pounds) and the estimated carry-in on

June 1, 2021 (694,137 pounds). This amount could be increased, as needed, through an intra-seasonal increase in the salable quantity and allotment percentage.

The Committee's recommended Scotch and Native spearmint oil salable quantities and allotment percentages of 846,684 pounds and 38 percent, and 938,397 pounds and 37 percent, respectively, would match the available supply of each class of spearmint oil to the estimated demand of each, thus avoiding extreme fluctuations in inventories and prices. This proposed rule is similar to regulations issued in prior seasons.

The salable quantities in this proposed rule are not expected to cause a shortage of either class of spearmint oil. Any unanticipated or additional market demand for either class of spearmint oil which may develop during the marketing year could be satisfied by an intra-seasonal increase in the salable quantity and corresponding allotment percentage. The Order contains a provision in § 985.51 for intra-seasonal increases to allow the Committee the flexibility to respond quickly to changing market conditions.

Under volume regulation, producers who produce more than their annual allotments during the marketing year may transfer such excess spearmint oil to producers who have produced less than their annual allotment. In addition, on December 1 of each year, producers who have not transferred their excess spearmint oil to other producers must place their excess spearmint oil production into the reserve pool, to be released in the future, in accordance with market needs and under the Committee's direction.

In conjunction with the issuance of this proposed rule, USDA has reviewed the Committee's marketing policy statement for the 2021–2022 marketing year. The Committee's marketing policy statement, a requirement whenever the Committee recommends volume regulation, meets the requirements of §§ 985.50 and 985.51.

The establishment of the proposed salable quantities and allotment percentages would allow for anticipated market needs. In determining anticipated market needs, the Committee considered historical sales, as well as changes and trends in production and demand. This proposal would also provide producers with information regarding the amount of spearmint oil that should be produced for the 2021–2022 season to meet anticipated market demand.

Initial Regulatory Flexibility Act

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), the Agricultural Marketing Service (AMS) has considered the economic impact of this proposed rule on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf.

There are approximately 40 producers and 94 producers of Scotch and Native spearmint oil, respectively, in the regulated production area and approximately 8 spearmint oil handlers subject to regulation under the Order. Small agricultural service firms are defined by the Small Business Administration (SBA) as those having annual receipts of less than $30,000,000, and small agricultural producers are defined as those having annual receipts of less than $1,000,000 (13 CFR 121.201).

The Committee reported that recent producer prices for spearmint oil have ranged from $12.00 to $17.00 per pound. The National Agricultural Statistics Service (NASS) reported that the 2019 U.S. season average spearmint oil producer price per pound was $16.90. Spearmint oil utilization for the 2019–2020 marketing year, as reported by the Committee, was 598,706 pounds and 1,076,906 pounds for Scotch and Native spearmint oil, respectively, for a total of 1,675,612 pounds. Multiplying $16.90 per pound by 2019–2020 marketing year spearmint oil utilization of 1,675,612 pounds yields a crop value estimate of about $28.3 million.

Given the accounting requirements for the volume regulation provisions of the Order, the Committee maintains accurate records of each producer's production and sales. Using the $16.90 average spearmint oil price, and Committee production data for each producer, the Committee estimates that 37 of the 40 Scotch spearmint oil producers and 90 of the 94 Native spearmint oil producers could be classified as small entities under the SBA definition.

There is no third party or governmental entity that collects and reports spearmint oil prices received by spearmint oil handlers. However, the Committee estimates an average spearmint oil handling markup at approximately 20 percent of the price received by producers. Multiplying 1.20 by the 2018 producer price of $16.90 yields a handler free on board (f.o.b.) price per pound estimate of $20.28.

Multiplying this estimated handler f.o.b. price by the 2019–2020 marketing year total spearmint oil utilization of 1,675,612 pounds results in an estimated handler-level spearmint oil value of $33.98 million. Dividing this figure by the number of handlers (8) yields estimated average annual handler receipts of about $4.25 million, which is well below the SBA threshold for small agricultural service firms.

Furthermore, using confidential data on pounds handled by each handler, and the above mentioned estimated handler price per pound, the Committee reported that it is not likely that any of the eight handlers had 2019–2020 marketing year spearmint oil sales that exceeded the $30 million SBA threshold.

Therefore, in view of the foregoing, the majority of producers of spearmint oil may be classified as small entities, and all of the handlers of spearmint oil may be classified as small entities.

This proposed rule would establish the quantity of spearmint oil produced in the Far West, by class, which handlers may purchase from, or handle on behalf of, producers during the 2021–2022 marketing year. The Committee recommended this action to help maintain stability in the spearmint oil market by matching supply to estimated demand, thereby avoiding extreme fluctuations in supplies and prices. Establishing quantities that may be purchased or handled during the marketing year through volume regulation allows producers to coordinate their spearmint oil production with the expected market demand. Authority for this proposal is provided in §§ 985.50, 985.51, and 985.52.

The Committee estimated the total trade demand for the 2021–2022 marketing year for both classes of oil at 1,748,000 pounds. In addition, the Committee expects that the combined salable carry-in for both classes of spearmint oil will be 957,713 pounds. As such, the combined required salable quantity for the 2021–2022 marketing year is estimated to be 790,287 pounds (1,748,000 pounds trade demand less 957,713 pounds carry-in). Under volume regulation, total sales of spearmint oil by producers for the 2021–2022 marketing year would be held to 2,742,794 pounds (the recommended salable quantity for both

classes of spearmint oil of 1,785,081 pounds plus 957,713 pounds of carry-in).

This total available supply of 2,742,794 pounds should be more than adequate to supply the 1,748,000 pounds of anticipated total trade demand for spearmint oil. In addition, as of May 31, 2020, the total reserve pool for both classes of spearmint oil stood at 1,247,165 pounds. That quantity is expected to remain relatively unchanged over the course of the 2021–2022 marketing year, with current Committee reserve pool estimates totaling 1,366,673 pounds. Should trade demand increase unexpectedly during the 2021–2022 marketing year, reserve pool spearmint oil could be released into the market to supply that increase in demand.

The recommended allotment percentages, upon which 2021–2022 marketing year annual allotments are based, are 38 percent for Scotch spearmint oil and 37 percent for Native spearmint oil. Without volume regulation, producers would not be held to these allotment levels, and could sell unrestricted quantities of spearmint oil.

The USDA econometric model used to evaluate the Far West spearmint oil market estimated that the season average producer price per pound (from both classes of spearmint oil) would decline about $1.70 per pound without volume regulation. The surplus situation for the spearmint oil market that would exist without volume regulation in the 2021–2022 marketing year also would likely dampen prospects for improved producer prices in future years because of the excessive buildup in stocks.

In addition, the econometric model estimated that spearmint oil prices would fluctuate with greater amplitude in the absence of volume regulation. The coefficient of variation, or CV (a standard measure of variability), of Far West spearmint oil producer prices for the period 1980–2019 (the years in which the Order has been in effect), is 25 percent, compared to 49 percent for the 20-year period (1960–1979) immediately prior to the establishment of the Order. Since higher CV values correspond to greater variability, this is an indicator of the price stabilizing impact of the Order.

The use of volume regulation allows the industry to fully supply spearmint oil markets while avoiding the negative consequences of over-supplying these markets. The use of volume regulation is believed to have little or no effect on consumer prices of products containing spearmint oil and would not result in fewer retail sales of such products.

The Committee discussed alternatives to the recommendations contained in this rule for both classes of spearmint oil. The Committee rejected the idea of not regulating volume for either class of spearmint oil because of the severe, price-depressing effects that would likely occur without volume regulation. The Committee also discussed and considered salable quantities and allotment percentages that were above and below the levels that were ultimately recommended for both classes of spearmint oil. Ultimately, the action recommended by the Committee was to maintain the allotment percentage for Scotch spearmint oil (which would slightly increase the salable quantity) and to decrease both the salable quantity and allotment percentage for Native spearmint oil from the levels established for the 2020–2021 marketing year.

As noted earlier, the Committee's recommendation to establish salable quantities and allotment percentages for both classes of spearmint oil was made after careful consideration of all available information including: (1) The estimated quantity of salable oil of each class held by producers and handlers; (2) the estimated demand for each class of oil; (3) the prospective production of each class of oil; (4) the total of allotment bases of each class of oil for the current marketing year and the estimated total of allotment bases of each class for the ensuing marketing year; (5) the quantity of reserve oil, by class, in storage; (6) producer prices of oil, including prices for each class of oil; and (7) general market conditions for each class of oil, including whether the estimated season average price to producers is likely to exceed parity.

Based on its review, the Committee believes that the salable quantities and allotment percentages recommended would achieve the objectives sought. The Committee also believes that, should there be no volume regulation in effect for the upcoming marketing year, the Far West spearmint oil industry would return to the pronounced cyclical price patterns that occurred prior to the promulgation of the Order. As previously stated, annual salable quantities and allotment percentages have been issued for both classes of spearmint oil since the Order's inception. The salable quantities and allotment percentages proposed herein are expected to facilitate the goal of maintaining orderly marketing conditions for Far West spearmint oil for the 2021–2022 and future marketing years.

Costs to producers and handlers, large and small, resulting from this proposal are expected to be offset by the benefits derived from a more stable market and increased returns. The benefits of this rule are expected to be equally available to all producers and handlers regardless of their size.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the Order's information collection requirements have been previously approved by OMB and assigned OMB No. 0581–0178, Vegetable and Specialty Crops. No changes are necessary in those requirements as a result of this proposed action. Should any changes become necessary, they would be submitted to OMB for approval.

This proposed rule would establish the salable quantities and allotment percentages for Scotch spearmint oil and Native spearmint oil produced in the Far West during the 2021–2022 marketing year. Accordingly, this proposal would not impose any additional reporting or recordkeeping requirements on either small or large spearmint oil producers or handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. In addition, USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this proposed rule.

AMS is committed to complying 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.

The Committee's meeting was widely publicized throughout the spearmint oil industry, and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the October 14, 2020, meeting was a public meeting and all entities, both large and small, were able to express views on this issue. Interested persons are invited to submit comments on this proposed rule, including the regulatory and informational impacts of this action on small businesses.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *https://www.ams.usda.gov/rules-regulations/moa/small-businesses.* Any questions about the compliance guide should be sent to Richard Lower at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

A 60-day comment period is provided to allow interested persons to respond to this proposal. All written comments timely received will be considered before a final determination is made on this matter.

List of Subjects in 7 CFR Part 985

Marketing agreements, Oils and fats, Reporting and recordkeeping requirements, Spearmint oil.

For the reasons set forth in the preamble, the Agriculture Marketing Services proposes to amend 7 CFR part 985 as follows:

PART 985—MARKETING ORDER REGULATING THE HANDLING OF SPEARMINT OIL PRODUCED IN THE FAR WEST

■ 1. The authority citation for 7 CFR part 985 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. Section 985.236 is added to read as follows:

§ 985.236 Salable quantities and allotment percentages—2021–2022 marketing year.

The salable quantity and allotment percentage for each class of spearmint oil during the marketing year beginning on June 1, 2021, shall be as follows:

(a) Class 1 (Scotch) oil—a salable quantity of 846,684 pounds and an allotment percentage of 38 percent.

(b) Class 3 (Native) oil—a salable quantity of 938,397 pounds and an allotment percentage of 37 percent.

Bruce Summers,

Administrator, Agricultural Marketing Service.

[FR Doc. 2021–07829 Filed 4–15–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF ENERGY

10 CFR Part 430

[EERE–2020–BT–TP–0029]

RIN 1904–AF03

Energy Conservation Program: Test Procedure for Portable Air Conditioners

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Request for information.

SUMMARY: The U.S. Department of Energy (''DOE'') is undertaking the preliminary stages of a rulemaking to consider amendments to the test procedure for portable air conditioners (''ACs''). Through this request for information (''RFI''), DOE seeks data and information regarding issues pertinent to whether amended test procedures would more accurately or fully comply with the requirement that the test procedure produces results that measure energy use during a representative average use cycle or period of use for the product without being unduly burdensome to conduct, or reduce testing burden. DOE welcomes written comments from the public on any subject within the scope of this document (including topics not raised in this RFI), as well as the submission of data and other relevant information.

DATES: Written comments and information are requested and will be accepted on or before May 17, 2021.

ADDRESSES: Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at *http://www.regulations.gov*. Follow the instructions for submitting comments. Alternatively, interested persons may submit comments, identified by docket number EERE–2020–BT–TP–0029, by any of the following methods:

1. *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments.

2. *Email:* to *PortableAC2020TP0029@ee.doe.gov*. Include docket number EERE–2020–BT–TP–0029 in the subject line of the message.

No telefacsimiles (''faxes'') will be accepted. For detailed instructions on submitting comments and additional information on this process, see section III of this document.

Although DOE has routinely accepted public comment submissions through a variety of mechanisms, including postal mail and hand delivery/courier, the Department has found it necessary to make temporary modifications to the comment submission process in light of the ongoing Covid-19 pandemic. DOE is currently suspending receipt of public comments via postal mail and hand delivery/courier. If a commenter finds that this change poses an undue hardship, please contact Appliance Standards Program staff at (202) 586–1445 to discuss the need for alternative arrangements. Once the Covid-19 pandemic health emergency is resolved, DOE anticipates resuming all of its regular options for public comment submission, including postal mail and hand delivery/courier.

Docket: The docket for this activity, which includes **Federal Register** notices, comments, and other supporting documents/materials, is available for review at *http://www.regulations.gov*. All documents in the docket are listed in the *http://www.regulations.gov* index. However, some documents listed in the index, such as those containing information that is exempt from public disclosure, may not be publicly available.

The docket web page can be found at *http://www.regulations.gov/docket?D=EERE-2020-BT-TP-0029*. The docket web page contains instructions on how to access all documents, including public comments, in the docket. See section III for information on how to submit comments through *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Mr. Bryan Berringer, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE–5B, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 586–0371. Email: *ApplianceStandardsQuestions@ee.doe.gov*.

Ms. Sarah Butler, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 586–1777. Email: *Sarah.Butler@hq.doe.gov*.

For further information on how to submit a comment or review other public comments and the docket, contact the Appliance and Equipment Standards Program staff at (202) 287–1445 or by email: *ApplianceStandardsQuestions@ee.doe.gov*.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

DOE's test procedures for portable ACs are prescribed in the Code of Federal Regulations (''CFR'') at Title 10

of the CFR part 430, subpart B, appendix CC (''appendix CC''). The following sections discuss DOE's authority to establish and amend test procedures for portable ACs, as well as relevant background information regarding DOE's consideration of test procedures for this product.

A. Authority and Background

The Energy Policy and Conservation Act, as amended (''EPCA''),[1] authorizes DOE to regulate the energy efficiency of a number of consumer products and certain industrial equipment. (42 U.S.C. 6291–6317) Title III, Part B [2] of EPCA established the Energy Conservation Program for Consumer Products Other Than Automobiles, which sets forth a variety of provisions designed to improve energy efficiency. In addition to specifying a list of covered products, EPCA enables the Secretary of Energy to classify additional types of consumer products as covered products under EPCA. (42 U.S.C. 6292(a)(20)) In a final determination of coverage published in the **Federal Register** on April 18, 2016, DOE classified portable ACs as covered products under EPCA. 81 FR 22514.

The energy conservation program under EPCA consists essentially of four parts: (1) Testing, (2) labeling, (3) Federal energy conservation standards, and (4) certification and enforcement procedures. Relevant provisions of EPCA specifically include definitions (42 U.S.C. 6291), test procedures (42 U.S.C. 6293), labeling provisions (42 U.S.C. 6294), energy conservation standards (42 U.S.C. 6295), and the authority to require information and reports from manufacturers (42 U.S.C. 6296).

Federal energy efficiency requirements for covered products established under EPCA generally supersede State laws and regulations concerning energy conservation testing, labeling, and standards. (42 U.S.C. 6297) DOE may, however, grant waivers of Federal preemption for particular State laws or regulations, in accordance with the procedures and other provisions of EPCA. (42 U.S.C. 6297(d))

The Federal testing requirements consist of test procedures that manufacturers of covered products must use as the basis for: (1) Certifying to DOE that their products comply with the applicable energy conservation standards adopted pursuant to EPCA (42 U.S.C. 6295(s)), and (2) making representations about the efficiency of those consumer products (42 U.S.C. 6293(c)). Similarly, DOE must use these test procedures to determine whether the products comply with relevant standards promulgated under EPCA. (42 U.S.C. 6295(s))

Under 42 U.S.C. 6293, EPCA sets forth the criteria and procedures DOE must follow when prescribing or amending test procedures for covered products. EPCA requires that any test procedures prescribed or amended under this section be reasonably designed to produce test results which measure energy efficiency, energy use or estimated annual operating cost of a covered product during a representative average use cycle or period of use and not be unduly burdensome to conduct. (42 U.S.C. 6293(b)(3))

EPCA also requires that, at least once every 7 years, DOE review test procedures for all type of covered products, including portable ACs, to determine whether amended test procedures would more accurately or fully comply with the requirements for the test procedures be reasonably designed to produce test results that reflect energy efficiency, energy use, and estimated operating costs during a representative average use cycle or period of use and to not be unduly burdensome to conduct. (42 U.S.C. 6293(b)(1)(A)) If the Secretary determines, on her own behalf or in response to a petition by any interested person, that a test procedure should be prescribed or amended, the Secretary shall promptly publish in the **Federal Register** proposed test procedures and afford interested persons an opportunity to present oral and written data, views, and arguments with respect to such procedures. The comment period on a proposed rule to amend a test procedure shall be at least 60 days and may not exceed 270 days. (42 U.S.C. 6293(b)(2)) In prescribing or amending a test procedure, the Secretary shall take into account such information as the Secretary determines relevant to such procedure, including technological developments relating to energy use or energy efficiency of the type (or class) of covered products involved. *Id.* If DOE determines that test procedure revisions are not appropriate, DOE must publish its determination not to amend the test procedures. (42 U.S.C. 6293(b)(1)(A)) DOE is publishing this RFI to collect data and information to inform its decision in satisfaction of the 7-year review requirement specified in EPCA.

In addition, EPCA requires that DOE amend its test procedures for all covered products to integrate measures of standby mode and off mode energy consumption into the overall energy efficiency, energy consumption, or other energy descriptor, taking into consideration the most current versions of Standards 62301 and 62087 of the International Electrotechnical Commission (''IEC''),[3] unless the current test procedure already incorporates the standby mode and off mode energy consumption, or if such integration is technically infeasible. (42 U.S.C. 6295(gg)(2)(A)) If an integrated test procedure is technically infeasible, DOE must prescribe separate standby mode and off mode energy use test procedures for the covered product, if a separate test is technically feasible. (*Id.*)

B. Rulemaking History

On November 5, 2020, DOE published an early assessment review RFI in which it sought data and information pertinent to whether amended test procedures would (1) more accurately or fully comply with the requirement that the test procedure produces results that measure energy use during a representative average use cycle or period of use for the product without being unduly burdensome to conduct, or (2) reduce testing burden. 85 FR 70508 (''November 2020 RFI''). DOE received comments in response to the November 2020 RFI from the interested parties listed in Table I.1.

TABLE I.1—WRITTEN COMMENTS RECEIVED IN RESPONSE TO NOVEMBER 2020 RFI

Organization(s)	Reference in this RFI	Organization type
Association of Home Appliance Manufacturers	AHAM	Trade Association.
California Investor-Owned Utilities	California IOUs	Utility.
Appliance Standards Awareness Project & Consumer Federation of America	Joint Commenters	Efficiency Organizations.

[1] All references to EPCA in this document refer to the statute as amended through the Energy Act of 2020, Public Law 116–260 (Dec. 27, 2020).

[2] For editorial reasons, upon codification in the U.S. Code, Part B was redesignated Part A.

[3] IEC Standard 62301, ''Household electrical appliances—Measurement of standby power''; IEC Standard 62087, ''Methods of measurement for the power consumption of audio, video and related equipment''

TABLE I.1—WRITTEN COMMENTS RECEIVED IN RESPONSE TO NOVEMBER 2020 RFI—Continued

Organization(s)	Reference in this RFI	Organization type
Northwest Energy Efficiency Alliance	NEEA	Efficiency Organization.

Based on DOE's review of the test procedure for portable ACs and the comments received, as discussed in the following sections, DOE has determined it is appropriate to continue the test procedure rulemaking after the early assessment process. *See* 10 CFR part 430 subpart C appendix A section 8(b).

II. Request for Information

In the following sections, DOE has identified a variety of issues on which it seeks input to determine whether, and if so how, an amended test procedure for portable ACs would (1) more accurately or fully comply with the requirements in EPCA that test procedures be reasonably designed to produce test results which reflect energy use during a representative average use cycle or period of use, without being unduly burdensome to conduct (42 U.S.C. 6293(b)(3)); or (2) reduce testing burden.

Additionally, DOE welcomes comments on any aspect of the existing test procedures for portable ACs that may not specifically be identified in this document.

A. Scope and Definitions

In a coverage determination published on April 18, 2016, DOE established the definition of a ''portable air conditioner'' as a portable encased assembly, other than a packaged terminal air conditioner, room air conditioner, or dehumidifier, that delivers cooled, conditioned air to an enclosed space, and is powered by single-phase electric current. 81 FR 22514, 22519–22520; *see also* 10 CFR 430.2. The definition also states that a portable AC includes a source of refrigeration and may include additional means for air circulation and heating. *Id.*

In a final rule published on June 1, 2016, DOE established definitions for two portable AC configurations: ''single-duct portable air conditioner'' and ''dual-duct portable air conditioner.'' 81 FR 35241, 35245–35246 (''June 2016 Final Rule''). A ''single-duct portable air conditioner'' is a portable AC that draws all of the condenser inlet air from the conditioned space without the means of a duct, and discharges the condenser outlet air outside the conditioned space through a single duct attached to an adjustable window bracket. 10 CFR 430.2. A ''dual-duct portable air conditioner'' is a portable AC that draws some or all of the condenser inlet air from outside the conditioned space through a duct attached to an adjustable window bracket, may draw additional condenser inlet air from the conditioned space, and discharges the condenser outlet air outside the conditioned space by means of a separate duct attached to an adjustable window bracket. *Id.*

Issue 1: DOE seeks comment on whether the current definitions of ''portable air condition,'' ''single-duct portable air conditioner,'' and ''dual-duct portable air conditioner'' require amendment, and if so, how the terms should be defined.

Issue 2: DOE requests comment on whether the existing equipment definitions specified in 10 CFR 430.2 for portable ACs require amendments to distinguish further between single-duct and dual-duct units, or to address any unique configurations that are not clearly addressed in the existing definitions. If amendments are recommended, DOE seeks information on what identifying characteristics may be included in potential amended or new definitions.

B. Test Procedure

Portable ACs are tested in accordance with appendix CC, which incorporates by reference American National Standard Institute (''ANSI'')/Association of Home Appliance Manufacturers (''AHAM'') PAC–1–2015 ''Portable Air Conditioners'' (''ANSI/AHAM PAC–1–2015''), ANSI/American Society of Heating, Refrigerating and Air-Conditioning Engineers (''ASHRAE'') Standard 37–2009 ''Methods of Testing for Rating Electrically Driven Unitary Air-Conditioning and Heat Pump Equipment'' (''ANSI/ASHRAE Standard 37–2009''), and IEC Standard 62301 ''Household electrical appliances—Measurement of standby power'' (Edition 2.0 2011–01) (''IEC Standard 62301''), with modifications. Regarding dual-duct portable ACs, the DOE test procedure specifies provisions in addition to ANSI/AHAM PAC–1–2015. Specifically, the DOE test procedure specifies an additional test condition for dual-duct portable ACs (83 degrees Fahrenheit (''°F'') dry-bulb and 67.5 °F wet-bulb outdoor temperature) and additionally accounts for duct heat transfer, infiltration air heat transfer, and off-cycle mode energy use. *See* Sections 4.1; 4.1.1; 4.1.; and 4.2 of appendix CC. ANSI/AHAM PAC–1–2015 does not have similar provisions. Appendix CC also includes instructions regarding tested configurations, duct setup, inlet test conditions, condensate removal, unit placement, duct temperature measurements, and control settings. *See* Sections 3.1.1; 3.1.1.1; 3.1.1.2; 3.1.1.3; 3.1.1.4; 3.1.1.6; and 3.1.2 of appendix CC.

Under the current test procedure, a unit's seasonally adjusted cooling capacity (''SACC''), in British thermal units per hour (''Btu/h''), is calculated as a weighted average of the adjusted cooling capacity measured at two representative operating conditions. The adjusted cooling capacity is the measured indoor room cooling capacity while operating in cooling mode under the specified test conditions, adjusted based on the measured and calculated duct and infiltration air heat transfer. *See* Sections 4.1; 4.1.1; 4.1.2; 5.1; and 5.2 of appendix CC. The combined energy efficiency ratio (''CEER'') represents the efficiency of the unit, in Btu per watt-hours (''Btu/Wh''), based on the adjusted cooling capacity at the two operating conditions; the annual energy consumption in cooling mode, off-cycle mode, and inactive or off mode; and the number of cooling mode hours per year; with weighting factors applied for the two operating conditions. *See* Sections 4.2; 4.3; 5.3; and 5.4 of appendix CC.

1. Updates to Industry Standards

As discussed, appendix CC references ANSI/AHAM PAC–1–2015, an industry test procedure for portable ACs, with modifications. In the November 2020 RFI, DOE sought comment on the availability of industry-accepted consensus-based test procedures for measuring the energy use of portable ACs that could be adopted without modification and more accurately or fully comply with the requirement that the test procedure produces results that measure energy use during a representative average use cycle for the product, and not be unduly burdensome to conduct. 85 FR 70508, 70511.

AHAM stated its intent to revise ANSI/AHAM PAC–1–2015, incorporating the waivers that DOE had granted, or at the time was considering,

under its existing test procedure.[4] AHAM urged DOE to adopt the updated ANSI/AHAM PAC–1 test procedure once finalized. AHAM further stated it will provide status updates to DOE as both the ANSI/AHAM PAC–1 revision and DOE test procedure assessment proceed, and welcomed DOE to participate in the ANSI/AHAM PAC–1 revision efforts. (AHAM, No. 2 at pp. 2–3) [5]

Issue 3: DOE requests input on any other industry standards relevant to portable ACs that should be considered in assessing amendments to the existing DOE test procedure for portable ACs.

2. Test Harmonization

The Joint Commenters encouraged DOE to align the portable AC and room AC test procedures to allow consumers to be able to compare the efficiency ratings of the two products, which they stated can often be used for the same applications. The Joint Commenters stated that the current test procedures do not provide a fair comparison between portable ACs and room ACs, asserting that the efficiency ratings of portable ACs are inflated relative to those of room ACs due to the differences in test conditions between the two procedures. The Joint Commenters stated that future harmonized load-based test procedures for portable ACs and room ACs based on performance at multiple outdoor conditions would better represent how all units perform in the field. (Joint Commenters, No. 4 at pp. 1–2)

NEEA similarly urged DOE to align the test procedures for portable ACs and room ACs to ensure comparability of efficiency and capacity ratings across both products. According to NEEA, room ACs and portable ACs are similar products that are both likely to be used as supplemental cooling sources either for consumers that do not have central cooling systems or when those centralized systems are not sufficient to meet the cooling needs of a specific space. (NEEA, No. 5 at p. 1) According to NEEA, differences between the two test procedures lead to incomparability between the two AC types and may potentially mislead consumers with higher ratings for portable ACs. NEEA recommended that both products be rated using a seasonal metric at the same test conditions, and that DOE adopt load-based test procedure for both products. NEEA stated that using a load-based test is the best way to fully account for the effectiveness of controls, cycling effects, and variable speed performance of both portable ACs and room ACs, and would better reflect real world performance. (NEEA, No. 5 at pp. 1–2)

The California IOUs encouraged DOE to align the portable AC, room AC, and central air conditioner/heat pump (''central AC/HP'') test procedures to allow consumers to more readily compare performance across these categories. The California IOUs further claimed that room ACs and portable ACs provide largely the same consumer utility as central ACs/HPs of similar capacity, with the only significant differences being the method of installation and ease in relocation, respectively. (California IOUs, No. 3 at pp. 1, 3–4)

Both NEEA and the California IOUs, referenced DOE's statement in the June 2016 Final Rule in which DOE stated that comparative ratings between room ACs and portable ACs are desirable and that DOE would consider whether rating conditions representative of room AC usage should be adjusted when it conducts a rulemaking for its room AC test procedures. (NEEA, No. 5 at pp. 1–2; California IOUs, No. 3 at pp. 1, 3–4)

DOE recognizes that portable ACs, room ACs, and central ACs all provide cooling; however, there are significant differences in how these products are installed, used, and provide cooling. Central ACs are fixed appliances, installed year-round, built into homes, and controlled by a central thermostat to maintain a relatively constant temperature throughout the conditioned space. In contrast, room ACs and portable ACs are installed, often seasonally, in a single room; operate based on an internal thermostat when turned on, typically only during the cooling season; and may be readily turned off when the room is not occupied. Furthermore, room ACs and portable ACs differ from each other in that they have different installation means, and induce different amounts of outdoor air infiltration heat and other unwanted heat transfer to the conditioned space (*i.e.,* portable ACs are located entirely within the conditioned space along with the hot exhaust duct, and the window mounting bracket typically has little to no insulation; in contrast to room ACs, which often ship with insulated side-curtains or other insulating installation materials). Regarding capacity and efficiency comparisons, based on recent standards rulemaking analyses and market research, DOE expects that portable AC capacity ranges from 2,500 to 10,000 Btu/h and CEER ranges from 4 to 8 Btu/Wh, both of which are significantly lower than the current typical range of capacity and CEER for room ACs, ranging from 5,000 to 35,000 Btu/h and 9 to 15 Btu/Wh, respectively.

The test procedures for room ACs, portable ACs, and central ACs were developed based on the best available usage data and information regarding representative conditions at that time. In considering amendments to the DOE test procedure for portable ACs, DOE welcomes feedback and data regarding the representative operating conditions, setpoints, and annual operating hours and installation time for portable ACs.

Issue 4: DOE requests further information and usage data regarding setpoints, operating conditions, seasonal use, and installation time for portable ACs.

3. Energy Use Measurements

The current DOE test procedure for portable ACs provides a measure of power consumption and energy use under various operating modes (cooling mode, off-cycle mode, standby mode, inactive mode, and off mode) and duct configurations (single-duct and dual-duct). In the November 2020 RFI, DOE sought comment on whether existing test procedure requirements (*e.g.,* instrumentation, testing configurations/specifications, calculation methodologies) accurately measure energy use without adding undue burden to the test procedure. 85 FR 70508, 70510.

DOE received no comments on this topic in response to the November 2020 RFI. Throughout this RFI, DOE seeks further comment on specific topics relevant to instrumentation, testing configurations and specifications, and calculation methodologies that may improve the existing test to more accurately measure energy use without adding undue burden to the test procedure.

4. Representative Average Period of Use

a. Operational Modes

The current DOE test procedure for portable ACs measures energy use during a representative average period of use. The measured energy performance includes energy use

[4] The existing portable AC test procedure waiver granted to LG Electronics USA, Inc. is available at *https://www.regulations.gov/docket/EERE-2018-BT-WAV-0007*. Since AHAM's comment, DOE has also granted an interim waiver to GD Midea Air Conditioning Equipment Co. LTD., available at *https://www.regulations.gov/docket/EERE-2020-BT-WAV-0023*. Test procedure waivers are discussed further in section II.C.

[5] A notation in the form ''AHAM, No. 2 at pp. 2–3'' identifies a written comment: (1) Made by the Association of Home Appliance Manufacturers; (2) recorded in document number 2 that is filed in the docket of this test procedure rulemaking (Docket No. EERE–2020–BT–TP–0029) and available for review at *http://www.regulations.gov*; and (3) which appears on pages 2–3 of document number 2.

associated with cooling mode and off-cycle mode during the cooling season, and inactive mode and off mode energy use for the entire year.

In cooling mode, a portable AC activates the main cooling function in response to a signal from the thermostat or temperature sensor, which includes activating the refrigeration system or activating the fan or blower without the use of the refrigeration system. Section 2.4 of appendix CC.

In off-cycle mode, a portable AC: (1) Has cycled off its main cooling or heating function via thermostat or temperature sensor signal; (2) may or may not operate its blower or fan; and (3) will reactivate the main function according to the thermostat or temperature sensor signal. Section 2.7 of appendix CC.

Inactive mode is a standby mode that facilitates the activation of an active mode or off-cycle mode via remote switch (including remote control), internal sensor, or timer, or that provides continuous status display. Section 2.6 of appendix CC.

In off mode, the portable AC is connected to a mains power source and is not providing any active, off-cycle, or standby mode function, and where the mode may persist for an indefinite time. An indicator that only shows the user that the portable AC is in the off position is included within the classification of an off mode. *See* Section 2.8 of appendix CC.

Issue 5: DOE seeks comment regarding whether any of the currently considered modes in the DOE test procedure should no longer be addressed, or whether any representative modes that are not currently considered should be addressed in future test procedure amendments.

Issue 6: DOE seeks comment regarding whether the performance and energy use for the operational modes discussed above are appropriately addressed and captured in the DOE test procedure.

b. Hours of Operation

To determine the energy use during a representative period of use, the test procedure assigns the following hours of operation for each mode: 750 hours for cooling mode, 880 hours for off-cycle mode, and 1,355 hours for inactive or off mode. Section 5.3 of appendix CC. In the absence of sufficient consumer usage data specific to portable ACs, DOE established these operating hours in the June 2016 Final Rule, derived from the most relevant data available representative of overall consumer use, which at that time were for room ACs. DOE adjusted the room AC usage data to reflect portable ACs usage; for example, inactive mode and off mode estimates outside of the cooling season were adjusted, given that portable ACs are more likely to be unplugged outside of the cooling season as compared to room ACs that are less portable.[6] 81 FR 35241, 35258–35259.

In response to the November 2020 RFI, AHAM reiterated its prior opposition to reliance on room AC data during the previous test procedure rulemaking to determine annual operating hours for portable ACs, suggesting that while portable ACs and room ACs may be similar in some ways, usage of the products differs. AHAM recommended that DOE refrain from using room AC data to support rulemaking activity for portable ACs in the future, unless there is evidence that the room AC data are a sufficient surrogate for portable AC operating hours. (AHAM, No. 2 at p. 2) It is generally DOE's practice to rely on the most relevant and current data available at the time of the analysis to identify appropriate operating hours. At this time, DOE is unaware of any portable AC usage data sufficient to characterize representative consumer usage, and notes that no such data or data sources have been provided by commenters to date.

Issue 7: DOE requests data regarding annual operating hours for all representative modes of operation for portable ACs.

c. Configurations

In addition to addressing different operating modes, the portable AC test procedure in appendix CC addresses two configurations of portable ACs: Dual-duct and single-duct. As described, dual-duct portable ACs draw some or all of their condenser inlet air from outside the conditioned space through a duct attached to an adjustable window bracket (and may draw additional condenser inlet air from the conditioned space) and discharge the condenser outlet air outside the conditioned space by means of a separate duct attached to an adjustable window bracket. 10 CFR 430.2. Dual-duct units use two parallel airflow paths. With the first airflow path, air from the conditioned space (*i.e.,* indoors) is drawn into the unit, passes over a cold heat exchanger (*i.e.,* the evaporator), and is discharged back into the room. With the second airflow path, air from outdoors (possibly with additional air from indoors) is drawn into the unit, passes over a hot heat exchanger (*i.e.,* the condenser), and is discharged back outdoors. In this type of system, the heat that is removed from the indoor airflow path is essentially transferred to the outdoor airflow path and discharged outdoors. The temperature of the air flowing across the condenser significantly affects a portable AC's cooling capacity. Because the air passing across the condenser is drawn from outdoors, and outdoor air temperatures vary during portable AC use, the cooling capacity of a dual-duct unit is significantly affected by changes in outdoor air temperatures. Given the impact of outdoor air temperature on overall cooling performance and efficiency, Appendix CC requires dual-duct units to be tested at two different ''test conditions'' in the test chamber that supplies the condenser inlet air, representing two different outdoor temperatures: 95 °F and 83 °F. *See* Section 4.1 of appendix CC. Under both test conditions, the test chamber in which the unit is installed is maintained at a temperature of 80 °F and the unit is operated at full load. *Id.*

Single-duct portable ACs draw all of their condenser inlet air from the conditioned space without the means of a duct, and discharge the condenser outlet air outside the conditioned space through a single duct attached to an adjustable window bracket. 10 CFR 430.2. Single-duct units also use two parallel airflow paths; however, in contrast to dual-duct units, the condenser airflow path draws air only from inside the conditioned space rather than from outside. This air is drawn into the unit through air grates in the unit's chassis, passes over the condenser, and is discharged to the outdoors through the single duct. Because the inlet air is drawn from indoors (as opposed to outdoors, as with dual-duct units), and because the indoor air temperature remains steady during operation, a single test condition is specified for single-duct portable ACs. Appendix CC specifies a temperature of 80 °F in the test chamber in which the unit is installed (corresponding to the specified indoor air temperature). Section 4.1 of appendix CC. As with the dual-duct unit tests, the single-duct unit is operated at full load throughout the duration of the test.

Appendix CC currently requires that portable ACs able to operate as both a single-duct and dual-duct portable AC, as distributed in commerce by the

[6] Further information regarding the development of the operating hours is provided in the February 25, 2015 notice of proposed rulemaking and November 27, 2015 supplemental notice of proposed rulemaking, available at *https://www.regulations.gov/docket/EERE-2014-BT-TP-0014-0009* and *https://www.regulations.gov/docket/EERE-2014-BT-TP-0014-0021,* respectively.

manufacturer, must be tested and rated for both duct configurations. Section 3.1.1 of appendix CC.

In response to the November 2020 RFI, NEEA recommended that DOE maintain the requirement that a portable AC able to operate in both duct configurations as distributed in commerce be tested and rated in both configurations. According to NEEA, the single-duct configuration typically results in infiltration air because condenser air is pulled from the room and rejected outside, resulting in a net airflow out of the space, which increases energy use and reduces capacity. NEEA recommended that if products can be operated in a single-duct configuration, they should continue to be tested in that configuration. (NEEA, No. 5 at pp. 3–4)

Issue 8: DOE requests feedback regarding single-duct and dual-duct portable AC test requirements and any other relevant considerations to ensure that the test procedures produce representative results for both configurations, including products that operate in both configurations, as distributed in commerce by the manufacturer.

5. Test Burden

In the November 2020 RFI, DOE sought comment on whether any modifications to the DOE test procedure could reduce the test burden and costs while still allowing for accurate determinations of energy use during a representative average use cycle. 85 FR 70508, 70510–70511.

AHAM stated its concern that changing the test procedure in any significant way would increase burden, as technicians would need to be retrained and retesting could be necessary. AHAM stated that any further modifications would unnecessarily complicate what it described as an already complex test procedure. (AHAM, No. 2 at p. 2)

Issue 9: DOE requests further comment on potential for adjustments to the DOE test procedure that may improve repeatability, reproducibility, or representativeness, and how such adjustments would impact test burden.

Issue 10: DOE requests comment on whether any aspects of the DOE test procedure could be adjusted to reduce test burden while not impacting the repeatability, reproducibility, or representativeness of the test procedure.

6. Infiltration Air, Duct Heat Transfer, and Case Heat Transfer

The portable AC test procedure accounts for the effects of heat transfer from two sources: (1) Infiltration of outdoor air into the conditioned space (*i.e.,* ''infiltration air'') and (2) heat leakage through the duct surface to the conditioned space (*i.e.,* ''duct heat transfer''). Heat transfer from infiltration air is calculated using the nominal test chamber and the condenser inlet air (outdoor) rating conditions specified for Test Configuration 3, Conditions A and B (the test configuration for dual-duct units). *See* Sections 4.1 and 4.1.2 of appendix CC. Duct heat transfer is accounted for from the duct surface to the conditioned space; duct heat transfer for each duct is determined from the average duct surface temperature as measured by four equally-spaced thermocouples adhered to the side along the length of the condenser exhaust duct for single-duct units, and the condenser inlet and exhaust ducts for dual-duct units. Section 4.1.1 of appendix CC. In the June 2016 Final Rule, DOE considered the effects of heat transfer through the outer chassis of the portable AC to the conditions space (*i.e.,* ''case heat transfer''), but determined to not include provisions accounting for case heat transfer in the portable AC test procedure, on the basis that case heat transfer has a minimal impact on cooling capacity and that including measurement of it would substantively increase the test burden. 81 FR 35241, 35254–35255.

NEEA recommended that DOE continue to incorporate the energy impacts of infiltration air and duct heat transfer in the portable AC test procedure, stating that both can have significant effects on capacity and efficiency and therefore are currently appropriately accounted for in the test procedure. (NEEA, No. 5 at pp. 2–3)

Duct heat transfer is calculated using a convection heat transfer coefficient along with duct surface temperature measurements and the calculated duct surface area. *See* Section 4.1.1 of appendix CC. In the June 2016 Final Rule, DOE reviewed previously presented test data[7] and concluded that the most representative value of the convection heat transfer coefficient is 3 British thermal units per hour per square foot per degree Fahrenheit (''Btu/h-ft^2-°F''). 81 FR 35241, 35253–35254. DOE is interested in any further available data regarding portable AC duct convection heat transfer coefficients that may supplement the previously considered data set.

Issue 11: DOE requests any available information or data on portable AC infiltration air, duct heat transfer, or case heat transfer that may improve the representativeness, repeatability, or reproducibility of the test procedure.

Issue 12: DOE requests input on any industry test procedures that measure case heat transfer, estimates of test burden required to measure it, and data quantifying its impact on cooling capacity and efficiency.

Issue 13: DOE requests input on any less burdensome approaches to address case heat transfer than previously considered in the June 2016 Final Rule.

Issue 14: DOE requests feedback on the impacts of case material and case design on case heat transfer, and whether certain materials or designs soon to be implemented in units on the market would result in significantly different case heat transfer than current designs.

Issue 15: DOE requests data and feedback on any additional available data regarding a duct convection heat transfer coefficient, and whether the current convection heat transfer coefficient of 3 Btu/h-ft^2-°F remains representative for portable ACs in their typical installation and use environments.

7. Heating Mode

Heating mode is an active mode in which a portable AC has activated the main heating function in response to the thermostat or temperature sensor signal, including activating a resistance heater, the refrigeration system with a reverse refrigerant flow valve, or the fan or blower without activation of the resistance heater or refrigeration system. In the June 2016 Final Rule, DOE determined not to establish a heating mode efficiency metric. DOE noted that although some portable ACs offer an ''auto mode'' that allows for both cooling and heating mode operation depending upon the ambient temperature, available data suggest that portable ACs are not used for heating purposes for a substantial amount of time. 81 FR 35241, 35257.

Issue 16: DOE seeks usage data on portable AC heating mode and whether it accounts for a significant portion of portable AC annual energy use.

8. Network Connectivity

Network connectivity implemented in portable ACs can enable functions such as providing real-time room temperature conditions or receiving commands via a remote user interface such as a smartphone. DOE has observed that

[7] DOE reviewed test data from four single-duct and two dual-duct portable ACs with duct convection coefficients ranging from 1.70 to 5.26 Btu/h-ft^2-°F, as originally presented in a supplemental notice of proposed rulemaking published November 27, 2015. 80 FR 74020.

network connectivity typically operates continuously in the background while the portable AC performs other functions. In response to the November 2020 RFI, the Joint Commenters stated that portable ACs with connected functionality are now widely available and encouraged DOE to incorporate a measurement of the standby power when a portable AC with network functions is connected to a network. (Joint Commenters, No. 4 at p. 2) DOE recognizes that portable ACs with network functions are now readily available on the market in the United States, and welcomes further feedback on the relative impact of such functionality on overall energy consumption and performance.

Issue 17: DOE requests further comment and data on the prevalence of network connectivity in portable ACs available on the market currently or in the near future.

Issue 18: DOE requests available data quantifying the power consumption and usage time associated with network functionality in portable ACs.

Issue 19: DOE requests information regarding the capabilities and attributes enabled by network connectivity (*e.g.,* energy savings, demand response, convenience features).

9. Air Circulation Mode

DOE considers air circulation mode as a consumer initiated active mode in which a portable AC has activated only the blower or fan and the compressor is off. In the June 2016 Final Rule, DOE determined it would not measure or allocate annual operating hours to air circulation mode due to lack of usage information for this consumer-initiated air circulation feature. 81 FR 35241, 35257. In response to the November 2020 RFI, NEEA and the California IOUs recommended that DOE incorporate into a revised test procedure the energy use in what they described as ''fan-only mode,'' in which the fan is operating but the compressor is not. They referenced a portable AC field metering study conducted by Lawrence Berkeley National Laboratory (''LBNL'') in 2014 [8] which found that 39 percent of active mode time was spent in fan-only mode, with the remaining active mode time spent in cooling mode, during which both the compressor and fan are operating. NEEA and the California IOUs stated that this was consistent across residential and commercial applications. (NEEA, No. 5 at pp. 3–4; California IOUs, No. 3 at pp. 4–6) The California IOUs further stated that average power use for different units in fan-only mode ranged from 5 to 20 percent of the average power use in cooling mode. (California IOUs, No. 3 at pp. 4–6) Considering that, as reported, fan-only mode represents 39 percent of the portable AC operating time, and considering the variability in fan-only mode power consumption demonstrated in this study, NEEA and the California IOUs encouraged DOE to explore including fan-only mode energy use in the portable AC test procedure. (NEEA, No. 5 at pp. 3–4; California IOUs, No. 3 at pp. 4–6)

Based on the descriptions of ''fan-only mode'' in the comments, and a review of the field metering study referenced, DOE expects that the annual usage hours and energy consumption of fan operation referenced in comments could include operation in both off-cycle mode, which is currently addressed in appendix CC, and the user-initiated air circulation mode. DOE seeks further clarification and distinction from commenters regarding operating hours and energy consumption for the user-initiated air-circulation mode, which is not currently addressed in appendix CC.

Issue 20: DOE seeks additional information and data on the consumer-initiated air circulation mode and other consumer-initiated modes during which the fan operates without the compressor (*e.g.,* the characteristics of those operational mode(s), annual operation, prevalence in models as a consumer mode, effectiveness, *etc.*).

10. Part-Load Performance

a. Cycling Losses

Historically, portable ACs have been designed using a single-speed compressor, which operates at full cooling capacity while the compressor is on. To match the cooling load of the space, which in most cases is less than the full cooling power of the compressor, a single-speed compressor cycles on and off. This cycling behavior introduces inefficiencies due to the surge in power draw at the beginning of each ''on'' cycle, before the compressor reaches steady-state performance. These inefficiencies are referred to as cycling losses and are apparent only in single-speed portable ACs, not variable-speed ACs as variable-speed compressors run continuously, adjusting their speeds as required.

The California IOUs asserted that testing single-speed portable ACs without accounting for cycling losses is not representative of an average-use cycle, particularly when comparing to variable-speed units. The California IOUs stated that there is an increasing prevalence of variable-speed equipment in the marketplace, and recommended that DOE revise the test procedure to allow accurate comparison of performance for single-speed and variable-speed portable ACs by accounting for single-speed portable AC compressor cycling at part-load conditions. The California IOUs further stated that such a revision would also address the same issue underlying recent portable AC waivers (as discussed in section II.C of this RFI). The California IOUs noted that DOE's test procedure for central ACs accounts for single-speed efficiency losses at part-load conditions and further cited a 2014 report conducted by Burke *et al.*[9] in which operating times for cooling mode (compressor on), fan-only mode, and off/standby mode were monitored. The California IOUs specifically highlighted the prevalence of single-speed compressor cycling in this report. (California IOUs, No. 3 at pp. 2–3)

Cycling losses associated with single-speed compressors are not accounted for in the current test procedure. DOE recognizes that such losses are not present for variable-speed portable ACs. In a Decision and Order granting a waiver to LG Electronics USA, Inc. (''LG'') on June 2, 2020, DOE addressed the cycling of a single-speed compressor as part of a ''performance adjustment factor'' required for LG's variable-speed portable ACs. 85 FR 33643 (Case No. 2018–004, ''LG Waiver''). As established in the LG Waiver, the performance adjustment factor represents the average performance improvement of the variable-speed model relative to a theoretical comparable single-duct single-speed model, resulting from the variable-speed unit avoiding cycling losses associated with the lower temperature test condition. 85 FR 33643, 33646. In a notice of interim waiver granted to GD Midea Air Conditioning Equipment Co. LTD. (''Midea'') on April 6, 2021, DOE similarly requires use of a performance adjustment factor for the specified Midea combined-duct dual-duct variable-speed portable ACs. 86 FR 17803 (Case No. 2020–006, ''Midea Waiver'').

Issue 21: DOE requests further information and data on efficiency losses associated with single-speed compressor cycling at part-load conditions.

[8] ''Using Field-Metered Data to Quantify Annual Energy Use of Portable Air Conditioners,'' T. Burke *et al.,* Environmental Energy Technologies Division, LBNL, December 2014.

[9] ''Using Field-Metered Data to Quantify Annual Energy Use of Portable Air Conditioners,'' T. Burke *et al.,* Environmental Energy Technologies Division, LBNL, December 2014.

Issue 22: DOE requests comment on the incorporation of the current waiver approach to determine variable-speed portable AC efficiency, based on the performance improvement relative to a single-speed portable AC resulting from elimination of cycling losses.

b. Load-Based Testing

The current test procedure prescribed by ANSI/AHAM PAC–1–2015 measures cooling capacity and EER based on an air enthalpy approach that measures the air flow rate, dry-bulb temperature, and water vapor content of air at the inlet and outlet of the portable AC when it is installed in a test chamber at specified indoor ambient conditions and the ducts are connected to a second chamber at specified outdoor ambient conditions. A load-based test either fixes or varies the amount of heat added to the indoor test room by the reconditioning equipment, while the indoor test room temperature is permitted to change and is controlled by the test unit according to its thermostat setting.

The California IOUs, Joint Commenters, and NEEA recommended that DOE shift to a load-based test to account for part-load portable AC performance. (California IOUs, No. 3 at p. 2; Joint Commenters, No. 4 at p. 1; NEEA, No. 5 at p. 2) The Joint Commenters stated that, while the test procedure waiver granted to LG provides a method for crediting the potential energy savings associated with variable-speed compressors, it does not reflect how variable-speed units actually operate in the field. California IOUs, the Joint Commenters, and NEEA stated that a load-based test would capture not only the benefits of variable-speed compressors, but also other important factors that affect efficiency performance, including cycling losses and control strategies for both single-speed and variable-speed units. (California IOUs, No. 3 at p. 2; Joint Commenters, No. 4 at p. 1; NEEA, No. 5 at p. 2) According to NEEA, a load-based test would fully account for the effectiveness of controls, cycling effects, and variable-speed performance of both portable ACs and room ACs, which would better reflect real world performance. NEEA recommended that DOE adopt load-based test procedure for both portable ACs and room ACs. (NEEA, No. 5 at p. 2)

The California IOUs stated that should DOE switch to a load-based test with multiple test conditions and a combined seasonal metric, reporting of full-load capacity and power consumption should still be required. According to the California IOUs, knowing power consumption and efficiency at full load is essential to both consumers and utilities in hot-dry climates. The California IOUs further asserted that due to the prevalence of peak-load pricing, full-load performance is often a better indication of consumer annual energy cost than a part-load metric. (California IOUs, No. 3 at p. 4)

DOE recognizes the challenges associated with implementing load-based testing in the portable AC test procedure. As discussed in the recent final rule for room AC test procedures, DOE expects that a load-based test would reduce repeatability and reproducibility due to limitations in current test chamber capabilities, namely the lack of specificity in industry standards regarding chamber dimensions and reconditioning equipment characteristics, which would negatively impact the representativeness of the results and potentially be unduly burdensome. 86 FR 16446, 16466 (March 29, 2021). DOE continues to seek comment and information on the feasibility and applicability of load-based testing for portable ACs.

Issue 23: DOE requests further comment and data on industry standards for portable ACs or other products that use load-based tests.

Issue 24: DOE requests comment on commercial laboratory capabilities regarding potential portable AC load-based testing.

Issue 25: DOE requests comment regarding the repeatability and reproducibility of any load-based testing for portable ACs.

11. Dehumidification Mode

NEEA stated that based on its review of a major retailer's website most portable ACs provide a dehumidification feature. Given the predominance of this feature, NEEA recommended that DOE further investigate its usage and consider including dehumidification mode in an updated test procedure. (NEEA, No. 5 at pp. 3–4)

Issue 26: DOE seeks usage data on dehumidification features available on portable ACs, including prevalence in units on the market, annual operating hours, and energy consumption associated with this mode.

12. Spot Coolers

NEEA commented that ''spot coolers'' are not currently covered by the portable AC test procedure. NEEA stated that these products do not provide net cooling, but rather move heat from one area to another in a space (*i.e.,* they reject condenser air to the cooled space). NEEA stated that some portable AC products may meet this description of a spot cooler, and recommended that DOE continue to monitor the market to ensure that market characterization of a product as a ''spot cooler'' is not utilized as a means to circumvent portable AC standards. (NEEA, No. 5 at pp. 3–4)

Issue 27: DOE seeks information regarding the availability of any portable ACs that provide cooling in a similar manner to single-duct and dual-duct portable ACs but do not meet either of the definitions for a single-duct or dual-duct portable AC at 10 CFR 430.2.

C. Test Procedure Waivers

Any interested person may seek a waiver from the test procedure requirements for a particular basic model of a type of covered product when the basic model for which the petition for waiver is submitted contains one or more design characteristics that: (1) Prevent testing according to the prescribed test procedure, or (2) cause the prescribed test procedures to evaluate the basic model in a manner so unrepresentative of its true energy consumption characteristics as to provide materially inaccurate comparative data. 10 CFR 430.27(a)(1).

DOE has granted one test procedure waiver and one test procedure interim waiver for the current portable AC test procedure. As discussed, DOE granted LG a test procedure waiver from specified portions of the DOE test procedure for determining the energy efficiency of listed portable AC basic models, under which LG is required to test and rate the listed basic models of its portable ACs in accordance with the alternate test procedure specified in the Decision and Order.[10] 85 FR 33643, 33647 (June 2, 2020). LG asserted that the current DOE test procedure for single-duct portable ACs does not take into account the specific performance and efficiency benefits associated with the specified basic models, which are single-duct variable-speed portable ACs under part-load conditions. *Id.* In granting the LG Waiver, DOE determined that the alternate test procedure in the Decision and Order produces efficiency results for variable-speed portable ACs which are comparable with the results for single-speed units. *Id.* The alternate test procedure accomplishes this by adjusting the efficiency rating of the variable-speed portable AC by the amount the variable-speed unit would outperform a theoretical comparable

[10] See Case No. 2018–004.

single-speed unit in a representative period of use. *Id.*

On July 16, 2020, DOE received a petition for waiver and application for interim waiver from Midea, consistent with the approach used for variable-speed compressors in the waiver granted to LG, with modifications to account for dual-duct units incorporating Midea's combined-duct technology. [11] Midea stated the current test procedure prevents the testing of its combined-duct technology because the condenser inlet and outlet air streams are incorporated into the same structure. (Midea Petition, EERE–2020–BT–WAV–0023 No. 2 at pp. 4–5) Midea further stated that, since the airflow both into and out of the condenser must be measured simultaneously, modifications are needed to adapt Midea's combined-duct technology to DOE's test procedure and standard airflow measurement apparatuses. (Midea Petition, EERE–2020–BT–WAV–0023 No. 2 at p. 5) Midea stated the DOE test procedure does not take into account a specially designed adapter that is needed for measuring the airflows. (*Id.*) DOE granted Midea an interim waiver on April 6, 2021, under which Midea is required to test and rate the listed basic models of its portable ACs in accordance with the alternate test procedure specified in the interim waiver. This alternate test procedure adjusts the efficiency rating of Midea's variable-speed portable ACs in a manner similar to that of the alternate test procedure in the LG Waiver, with provisions to allow testing of the combined-duct technology. 86 FR 17803.

In response to the November 2020 RFI, AHAM stated that updates to the test procedure are necessary to address new technologies that cannot be adequately tested under the existing test procedure and have been addressed through waivers. AHAM stated that any changes should be limited to incorporating existing waivers into the test procedure. (AHAM, No. 2 at p. 2) The California IOUs noted that DOE has granted a waiver to this test procedure and that there is an outstanding waiver request open. The California IOUs encouraged DOE to move forward with a rulemaking to eliminate the need for continuation of the waiver. (California IOUs, No. 3 at p. 1)

The California IOUs stated that fixed-speed testing of variable-speed equipment may not be representative of field performance when the speed of the compressor during the test is not determined solely by the onboard controls. The California IOUs encouraged DOE to review its comments on the room AC test procedure notice of proposed rulemaking (''NOPR'') [12] and consider provisions to ensure that the measured performance for variable-speed portable ACs is representative of the performance expected with built-in controls. (California IOUs, No. 3 at p. 4)

Issue 28: DOE requests market data on the prevalence of variable-speed portable ACs on the market now and in the future, and seeks comment on any recommended amendments to improve the alternate test procedure granted to LG.

Issue 29: DOE requests comment on how the use of fixed speeds during testing represents expected field performance under built-in controls.

Issue 30: DOE requests information on new technologies and designs (*e.g.,* combined-duct configurations) to inform the test procedure development.

III. Submission of Comments

DOE invites all interested parties to submit in writing by the date specified under the **DATES** heading, comments and information on matters addressed in this RFI and on other matters relevant to DOE's consideration of amended test procedures for portable ACs. These comments and information will aid in the development of a test procedure NOPR for portable ACs if DOE determines that amended test procedures may be appropriate for these products.

Submitting comments via http://www.regulations.gov. The *http://www.regulations.gov* web page will require you to provide your name and contact information. Your contact information will be viewable to DOE Building Technologies staff only. Your contact information will not be publicly viewable except for your first and last names, organization name (if any), and submitter representative name (if any). If your comment is not processed properly because of technical difficulties, DOE will use this information to contact you. If DOE cannot read your comment due to technical difficulties and cannot contact you for clarification, DOE may not be able to consider your comment.

However, your contact information will be publicly viewable if you include it in the comment or in any documents attached to your comment. Any information that you do not want to be publicly viewable should not be included in your comment, nor in any document attached to your comment. Following this instruction, persons viewing comments will see only first and last names, organization names, correspondence containing comments, and any documents submitted with the comments.

Do not submit to *http://www.regulations.gov* information for which disclosure is restricted by statute, such as trade secrets and commercial or financial information (hereinafter referred to as Confidential Business Information (''CBI'')). Comments submitted through *http://www.regulations.gov* cannot be claimed as CBI. Comments received through the website will waive any CBI claims for the information submitted. For information on submitting CBI, see the Confidential Business Information section.

DOE processes submissions made through *http://www.regulations.gov* before posting. Normally, comments will be posted within a few days of being submitted. However, if large volumes of comments are being processed simultaneously, your comment may not be viewable for up to several weeks. Please keep the comment tracking number that *http://www.regulations.gov* provides after you have successfully uploaded your comment.

Submitting comments via email. Comments and documents submitted via email also will be posted to *http://www.regulations.gov.* If you do not want your personal contact information to be publicly viewable, do not include it in your comment or any accompanying documents. Instead, provide your contact information on a cover letter. Include your first and last names, email address, telephone number, and optional mailing address. The cover letter will not be publicly viewable as long as it does not include any comments.

Include contact information each time you submit comments, data, documents, and other information to DOE. Faxes will not be accepted.

Comments, data, and other information submitted to DOE electronically should be provided in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format. Provide documents that are not secured, written in English and free of any defects or viruses. Documents should not contain special characters or any form of encryption and, if possible,

[11] The Midea Petition for Waiver from Portable Air Conditioners Test Procedures (EERE–2020–BT–WAV–0023) is available at *https://www.regulations.gov/docket/EERE-2020-BT-WAV-0023.*

[12] Documents related to the room AC test procedure rulemaking are available at *https://www.regulations.gov/docket/EERE-2017-BT-TP-0012.*

they should carry the electronic signature of the author.

Campaign form letters. Please submit campaign form letters by the originating organization in batches of between 50 to 500 form letters per PDF or as one form letter with a list of supporters' names compiled into one or more PDFs. This reduces comment processing and posting time.

Confidential Business Information. According to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit via email to *PortableAC2020TP0029@ee.doe.gov* with two well-marked copies: one copy of the document marked confidential including all the information believed to be confidential, and one copy of the document marked ''non-confidential'' with the information believed to be confidential deleted. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

It is DOE's policy that all comments may be included in the public docket, without change and as received, including any personal information provided in the comments (except information deemed to be exempt from public disclosure).

DOE considers public participation to be a very important part of the process for developing test procedures and energy conservation standards. DOE actively encourages the participation and interaction of the public during the comment period in each stage of this process. Interactions with and between members of the public provide a balanced discussion of the issues and assist DOE in the process. Anyone who wishes to be added to the DOE mailing list to receive future notices and information about this process should contact Appliance and Equipment Standards Program staff at (202) 287–1445 or via email at *ApplianceStandardsQuestions@ee.doe.gov*.

Signing Authority

This document of the Department of Energy was signed on April 9, 2021, by Kelly Speakes-Backman, Principal Deputy Assistant Secretary and Acting Assistant Secretary for Energy Efficiency and Renewable Energy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on April 13, 2021.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2021–07818 Filed 4–15–21; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

10 CFR Part 430

[EERE–2019–BT–TP–0003]

RIN 1904–AE30

Energy Conservation Program: Test Procedure for Direct Heating Equipment

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice of proposed rulemaking and request for comment.

SUMMARY: The U.S. Department of Energy (DOE) proposes to amend the test procedure for direct heating equipment (DHE) to incorporate by reference the most recent versions of the industry consensus test standards currently referenced in the Federal test procedure. DOE also proposes to update definitions regarding unvented heaters, account for multiple operational modes, specify the allowable measurement error for oil pressure, specify the use of manufacturer values for gas supply pressure in certain circumstances, reduce the number of thermocouples required in the thermocouple grid for models with small flues, and clarify instructions for calculations regarding condensate mass measurements. DOE welcomes written comment from the public on any subject within the scope of this document (including topics not raised in this proposal), as well as submission of data and other relevant information.

DATES: *Comments:* DOE will accept comments, data, and information regarding this notice of proposed rulemaking (NOPR) on or before June 30, 2021. See section V, ''Public Participation,'' for details.

Meeting: DOE will hold a webinar on Friday, June 4th, 2021 from 9:00 a.m. to 4:00 p.m. See section V, ''Public Participation,'' for webinar registration information, participant instructions, and information about the capabilities available to webinar participants.

ADDRESSES: Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at *http://www.regulations.gov.* Follow the instructions for submitting comments. Alternatively, interested persons may submit comments by email to the following address: *DHE2019TP0003@ee.doe.gov.* Include and docket number EERE–2019–BT–TP–0003 and/or RIN number 1904–AE30 in the subject line of the message. Submit electronic comments in WordPerfect, Microsoft Word, PDF, or ASCII file format, and avoid the use of special characters or any form of encryption.

Although DOE has routinely accepted public comment submissions through a variety of mechanisms, including postal mail and hand delivery/courier, the Department has found it necessary to make temporary modifications to the comment submission process in light of the ongoing Covid–19 pandemic. DOE is currently suspending receipt of public comments via postal mail and hand delivery/courier. If a commenter finds that this change poses an undue hardship, please contact Appliance Standards Program staff at (202) 586–1445 to discuss the need for alternative arrangements. Once the Covid–19 pandemic health emergency is resolved, DOE anticipates resuming all of its regular options for public comment submission, including postal mail and hand delivery/courier.

No telefacsimilies (faxes) will be accepted. For detailed instructions on submitting comments and additional information on the rulemaking process, see section V of this document (Public Participation).

Docket: The docket, which includes **Federal Register** notices, webinar attendee lists and transcripts, comments, and other supporting documents/materials, is available for review at *http://www.regulations.gov.* All documents in the docket are listed in the *http://www.regulations.gov* index. However, some documents listed in the index, such as those containing information that is exempt from public disclosure, may not be publicly available.

The docket web page can be found at: *https://www.regulations.gov/docket?D=EERE-2019-BT-TP-0003.* The docket web page contains instructions on how to access all documents, including public comments, in the docket. See section V (Public Participation) for information on how to submit comments through *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Dr. Stephanie Johnson, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE–5B, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 287–1943. Email: *ApplianceStandardsQuestions@ee.doe.gov.*

Mr. Eric Stas, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 586–5827. Email: *Eric.Stas@hq.doe.gov.*

For further information on how to submit a comment, review other public comments and the docket, or participate in the webinar, contact the Appliance and Equipment Standards Program staff at (202) 287–1445 or by email: *ApplianceStandardsQuestions@ee.doe.gov.*

SUPPLEMENTARY INFORMATION: DOE proposes to maintain a previously approved incorporation by reference and incorporate by reference the following industry standards into the Code of Federal Regulations (CFR) at 10 CFR part 430:

American National Standards Institute (ANSI)/American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE) Standard 103–2017, (ANSI/ASHRAE 103–2017), ''Method of Testing for Annual Fuel Utilization Efficiency of Residential Central Furnaces and Boilers,'' approved July 3, 2017.

Copies of ANSI/ASHRAE 103–2017 can be obtained from the American Society of Heating, Refrigerating, and Air-Conditioning Engineers, Inc., 1791 Tullie Circle, NE, Atlanta, GA 30329, (800) 527–4723 or (404) 636–8400, or online at: *http://www.ashrae.org.*

ANSI Standard Z21.86–2016 (ANSI Z21.86–2016), ''Vented Gas-Fired Space Heating Appliances,'' Sixth Edition, approved December 21, 2016.

Copies of ANSI Z21.86–2016 can be obtained from the American National Standards Institute, 25 W 43rd Street, 4th Floor, New York, NY 10036, (212) 642–4900, or online at: *http://www.ansi.org.*

American Society for Testing and Materials International (ASTM) Standard D2156–09 (Reapproved 2018) (ASTM D2156–09 (2018)), ''Standard Test Method for Smoke Density in Flue Gases from Burning Distillate Fuels,'' reapproved October 1, 2018.

Copies of ASTM D2156–09 (2018) can be obtained from the American Society for Testing and Materials International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428–2959 or online at: *www.astm.org.*

International Electrotechnical Commission (IEC) 62301 (Second Edition), ''Household electrical appliances-Measurement of standby power,'' (Edition 2.0 2011–01).

Copies of IEC 62301 (Second Edition) can be obtained from the American National Standards Institute, 25 W 43rd Street, 4th Floor, New York, NY 10036, (212) 642–4900, or online at: *http://webstore.ansi.org.*

Underwriters Laboratories, Inc. (UL) Standard 729–2016, ''Standard for Safety for Oil-Fired Floor Furnaces,'' approved November 22, 2016.

UL Standard 730–2016, ''Standard for Safety for Oil-Fired Wall Furnaces,'' approved November 22, 2016.

UL Standard 896–2016, ''Standard for Safety for Oil-Burning Stoves,'' approved November 22, 2016.

Copies of UL 729–2016, UL 730–2016, and UL 896–2016 can be obtained from Underwriters Laboratories, Inc., 2600 NW Lake Rd., Camas, WA 98607–8542 or online at: *www.ul.com.*

See section IV.M of this document for a further discussion of these standards.

Table of Contents

I. Authority and Background

Direct heating equipment is included in the list of ''covered products'' for which DOE is authorized to establish and amend energy conservation standards and test procedures. (42 U.S.C. 6292(a)(9)) DOE defines ''direct heating equipment'' as vented home heating equipment and unvented home heating equipment. 10 CFR 430.2. (Hereafter in this notice of proposed rulemaking, the terms ''vented heater'' and ''unvented heater'' are used to describe the two types of DHE). DOE's energy conservation standards and test procedures for vented heaters are currently prescribed at 10 CFR 430.32(i) and 10 CFR part 430, subpart B, Appendix O, ''Uniform Test Method for Measuring the Energy Consumption of Vented Home Heating Equipment'' (Appendix O), respectively. DOE's test procedures for unvented heaters are prescribed at 10 CFR part 430, subpart B, Appendix G, ''Uniform Test Method for Measuring the Energy Consumption of Unvented Home Heating Equipment'' (Appendix G). DOE currently does not prescribe energy conservation standards for unvented heaters because, as the Department explained in an April 2010 final rule for DHE, DOE has previously determined that a standard would produce little energy savings (largely due to the fact that any heat losses are dissipated directly into the conditioned space) and because of limitations in the applicable DOE test procedure. 75 FR

20112, 20130 (April 16, 2010). The unvented heaters test procedure, Appendix G, includes neither a method for measuring energy efficiency nor a descriptor for representing the efficiency of unvented heaters. Instead, Appendix G provides a method to measure and calculate the rated output for all unvented heaters and annual energy consumption of primary electric unvented heaters. The following sections discuss DOE's authority to establish and amend test procedures for vented and unvented heaters, as well as relevant background information regarding DOE's consideration of and amendments to test procedures for these products.

A. Authority

The Energy Policy and Conservation Act, as amended (EPCA),[1] Public Law 94–163 (42 U.S.C. 6291–6317, as codified), among other things, authorizes DOE to regulate the energy efficiency of a number of consumer products and certain industrial equipment. Title III, Part B [2] of EPCA established the Energy Conservation Program for Consumer Products Other Than Automobiles, which sets forth a variety of provisions designed to improve energy efficiency. These products include DHE, the subject of this document. (42 U.S.C. 6292(a)(9))

The energy conservation program under EPCA consists essentially of four parts: (1) Testing, (2) labeling, (3) Federal energy conservation standards, and (4) certification and enforcement procedures. Relevant provisions of EPCA specifically include definitions (42 U.S.C. 6291), test procedures (42 U.S.C. 6293), labeling provisions (42 U.S.C. 6294), energy conservation standards (42 U.S.C. 6295), and the authority to require information and reports from manufacturers. (42 U.S.C. 6296)

The Federal testing requirements consist of test procedures that manufacturers of covered products must use as the basis for: (1) Certifying to DOE that their products comply with the applicable energy conservation standards adopted pursuant to EPCA (42 U.S.C. 6295(s)), and (2) making representations about the efficiency of those consumer products (42 U.S.C. 6293(c)). Similarly, DOE must use these test procedures to determine whether the products comply with relevant energy conservation standards promulgated under EPCA. (42 U.S.C. 6295(s)) EPCA defines the efficiency descriptor for DHE to be annual fuel utilization efficiency (AFUE). (42 U.S.C. 6291(22)(A))

Federal energy efficiency requirements for covered products established under EPCA generally supersede State laws and regulations concerning energy conservation testing, labeling, and standards. (42 U.S.C. 6297(a)–(c)) DOE may, however, grant waivers of Federal preemption in limited circumstances for particular State laws or regulations, in accordance with the procedures and other provisions of EPCA. (42 U.S.C. 6297(d))

Under 42 U.S.C. 6293, EPCA sets forth the criteria and procedures DOE must follow when prescribing or amending test procedures for covered products. EPCA requires that any test procedures prescribed or amended shall be reasonably designed to produce test results which measure energy efficiency, energy use, or estimated annual operating cost of a covered product during a representative average use cycle or period of use and not be unduly burdensome to conduct. (42 U.S.C. 6293(b)(3))

In addition, EPCA requires that DOE amend its test procedures for all covered consumer products to integrate measures of standby mode and off mode energy consumption into the overall energy efficiency, energy consumption, or other energy descriptor, taking into consideration the most current versions of Standards 62301 [3] and 62087 [4] of the International Electrotechnical Commission (IEC), unless the current test procedure already incorporates the standby mode and off mode energy consumption, or if such integration is technically infeasible. (42 U.S.C. 6295(gg)(2)(A)) If an integrated test procedure is technically infeasible, DOE must prescribe separate standby mode and off mode energy use test procedures for the covered product, if a separate test is technically feasible. (*Id.*)

If DOE determines that a test procedure amendment is warranted, it must publish proposed test procedures and offer the public an opportunity to present oral and written comments on them. (42 U.S.C. 6293(b)(2)) EPCA also requires that, at least once every 7 years, DOE evaluate test procedures for each type of covered product, including the DHE that are the subject of this NOPR, to determine whether amended test procedures would more accurately or fully comply with the requirements for the test procedures to not be unduly burdensome to conduct and be reasonably designed to produce test results that reflect energy efficiency, energy use, and estimated operating costs during a representative average use cycle or period of use. (42 U.S.C. 6293(b)(1)(A)) If the Secretary determines, on his own behalf or in response to a petition by any interested person, that a test procedure should be prescribed or amended, the Secretary shall promptly publish in the **Federal Register** proposed test procedures and afford interested persons an opportunity to present oral and written data, views, and arguments with respect to such procedures. The comment period on a proposed rule to amend a test procedure shall be at least 60 days and may not exceed 270 days. In prescribing or amending a test procedure, the Secretary shall take into account such information as the Secretary determines relevant to such procedure, including technological developments relating to energy use or energy efficiency of the type (or class) of covered products involved. (42 U.S.C. 6293(b)(2)) If DOE determines that test procedure revisions are not appropriate, DOE must publish in the **Federal Register** its determination not to amend the test procedures. (42 U.S.C. 6293(b)(1)(A)) DOE is publishing this NOPR in satisfaction of the 7-year-lookback review requirement specified in EPCA.

B. Background

As mentioned previously, DOE's existing test procedures for unvented heaters and vented heaters appear at Appendix G and Appendix O, respectively. DOE originally established Appendix G in a final rule published in the **Federal Register** on May 10, 1978, which prescribed test procedures for primary electric heaters and a calculation of national and regional average annual energy consumption. 43 FR 20128, 20132–20146. DOE amended the test procedure for unvented heaters on March 28, 1984 (March 1984 final rule) to prescribe test procedures for fossil-fuel-fired unvented heaters and to add calculations of the rated output in British thermal units per hour (Btu/h) for electric heaters and unvented gas and oil heaters and an estimated operational cost per million Btu of output. 49 FR 12148, 12157–12158. DOE most recently updated Appendix G in a final rule published December 17, 2012 (December 2012 final rule) to establish procedures for measuring energy consumption in standby mode and off mode, pursuant to EPCA. 77 FR 74559, 74571–74572. However, in the

[1] All references to EPCA in this document refer to the statute as amended through the Energy Act of 2020, Public Law 116–260 (Dec. 27, 2020).

[2] For editorial reasons, upon codification in the U.S. Code, Part B was redesignated Part A.

[3] IEC 62301, *Household electrical appliances—Measurement of standby power* (Edition 2.0, 2011–01).

[4] IEC 62087, *Methods of measurement for the power consumption of audio, video, and related equipment* (Edition 3.0, 2011–04).

December 2012 final rule, DOE did not establish calculations for annual energy consumption for supplementary heaters or unvented gas and oil heaters, or incorporate standby mode and off mode energy into the annual energy consumption calculations for primary electric heaters because it determined that a detailed annual energy consumption accounting was not appropriate for unvented heaters. *Id.* at 77 FR 74563.

DOE originally established Appendix O in a final rule published in the **Federal Register** on May 10, 1978. 43 FR 20147, 20182–20205. DOE amended the test procedure for vented heaters in the March 1984 final rule to include a simplified procedure for heaters with modulating controls, and to address manually controlled vented heaters, vented heaters equipped with thermal stack dampers, and floor furnaces. 49 FR 12148, 12169–12178 (March 28, 1984). DOE amended the test procedure for vented heaters again on May 12, 1997, to add calculations for electrical energy consumption, to clarify the pilot light energy measurement for manually-controlled vented heaters, and to update the provisions for determining the efficiency of manually-controlled heaters with variable input rates. 62 FR 26140, 26156, 26162–26164. In the December 2012 final rule, DOE established procedures for measuring power consumption in standby mode and off mode and for calculating the energy consumption associated with operation in standby mode and off mode. 77 FR 74559, 74561 (Dec. 17, 2012). In the most recent test procedure rulemaking for DHE, DOE added provisions for testing vented heaters that utilize condensing technology and incorporated by reference six industry test standards to replace the outdated test standards referred to in the then existing DOE test procedure. 80 FR 792 (Jan. 6, 2015) (January 2015 final rule). DOE determined at that time not to amend the test procedure for unvented heaters. *Id.* at 80 FR 793.

For unvented electric heaters that are the primary heating source for the home, Appendix G includes provisions for measuring electric power and calculating annual energy consumption in sections 2.1 and 3.1, respectively. For all unvented heaters, Appendix G includes provisions for determining the rated output, in section 3.3 for electric heaters and section 3.4 for natural gas, propane, or oil heaters. Appendix G does not contain provisions for determining energy efficiency, as unvented heaters generally are considered to be 100-percent efficient because any heat losses are lost to the conditioned living space in which the unit is installed. Accordingly, DOE has not established energy conservation standards for unvented heaters.

For vented heaters, Appendix O includes provisions for determining AFUE, which is the efficiency metric used for determining compliance with the energy conservation standards for vented home heating equipment found in 10 CFR 430.32(i)(2). Section 4.6 of Appendix O also specifies provisions for calculating the annual energy consumption of vented heaters. Manufacturers must use the test procedure at Appendix O to demonstrate compliance with the current energy conservation standards for vented heaters. Further, there are currently no industry consensus test methods to measure DHE energy efficiency under the AFUE metric for vented home heating equipment, so, therefore, the test procedure in Appendix O is used.

To better understand potential issues with the current test procedures since the last amendments, DOE published a request for information (RFI) on February 26, 2019 (February 2019 RFI). 84 FR 6088. The February 2019 RFI requested comment from interested parties on several aspects of the test procedure, which are discussed further in section III of this document. DOE received 7 comments [5] in response to the February 2019 RFI from the interested parties listed in Table I.1.

TABLE I.1—FEBRUARY 2019 RFI WRITTEN COMMENTS

Organization(s)	Reference in this document	Organization type
Appliance Standards Awareness Project, American Council for an Energy-Efficient Economy, Natural Resources Defense Council.	Joint Advocates	Efficiency Organizations.
Association of Home Appliance Manufacturers	AHAM	Trade Association.
Air-Conditioning, Heating, and Refrigeration Institute	AHRI	Trade Association.
Northwest Energy Efficiency Alliance	NEEA	Efficiency Organization.
Pacific Gas and Electric Company, Southern California Edison, San Diego Gas and Electric.	CA IOUs	Utility.
National Propane Gas Association	NPGA	Trade Association.
Kevin Woodall	Woodall	Individual.

II. Synopsis of the Notice of Proposed Rulemaking

In this NOPR, DOE proposes the following changes to the test procedures for unvented and vented heaters (10 CFR part 430, subpart B, Appendices G and O, respectively) and several associated definitions in 10 CFR 430.2, as follows:

1. Update the definitions of ''floor electric heater,'' ''primary heater,'' ''unvented gas heater,'' ''unvented home heating equipment,'' ''unvented oil heater,'' ''vented home heating equipment,'' and ''vented room heater'', and update the terms ''primary heater'' and ''supplementary heater'' to ''primary electric heater'' and ''supplementary electric heater,'' respectively;

2. Update references to several industry consensus standards to the most recent versions, except that the test procedure would maintain the current oil pressure measurement error value (which was omitted in the most recent update to ANSI/ASHRAE 103–2017), and maintain the current maximum post-purge period;

3. Provide explicit direction on the operational mode for testing vented heaters with multiple automatic operation modes;

4. Clarify the required input rate for the cyclic condensate collection tests;

5. Allow for use of manufacturer-specified gas inlet pressure range when the required input rating cannot be reached;

[5] Comments in Docket No. EERE–2019–BT–TP–0003 available at: *https://www.regulations.gov/docket?D=EERE-2019-BT-TP-0003.*

6. Explicitly state the regulator outlet pressure and specific gravity tolerances for the gas supply;

7. Reduce the number of thermocouples required for the thermocouple grid in models with small (2-inch diameter or less) flues from nine to five;

8. Clarify the wording of the cyclic condensate collection test in the calculation of the allowable variance in condensate mass measurements; and

9. Provide explicit direction on the methods to appropriately shield thermocouples from radiation.

Table II.1 summarizes DOE's proposed actions compared to the current test procedures, as well as the reason for each proposed change.

TABLE II.1—SUMMARY OF CHANGES IN PROPOSED TEST PROCEDURES RELATIVE TO CURRENT TEST PROCEDURES

Current DOE test procedure	Proposed test procedure	Attribution
Definitions for electric heater, primary heater, supplementary heater, floor electric heater, unvented gas heater, unvented home heating equipment, unvented oil heater, vented home heating equipment, and vented room heater have various inconsistencies in terminology.	Updates the definitions to use consistent terminology ...	Clarification to ensure consistent use and application. Response to comments.
References ANSI/ASHRAE 103–2007, ANSI Z21.86–2008, ASTM D–2156–09, UL729–2003, UL 730–2003, and UL 896–1993.	References ANSI/ASHRAE 103–2017 (but maintains current oil pressure measurement error value and maximum post-purge time), ANSI Z21.86–2016, ASTM D–2156–09 (2018), UL 729–2016, UL 730–2016, and UL 896–2016.	Update to most recent versions of industry standards. Response to comments.
Does not provide specific direction for units with multiple automatic operational modes.	Explicitly provides that for units with multiple automatic operational modes, the default or other similarly named mode is used for testing.	Ensure representativeness. Response to comments.
Does not provide specific direction regarding the input rate at which the cyclic condensate collection test is to be conducted.	Explicitly state at which input rate to conduct the cyclic condensate collection test.	Clarification.
Specifies an inlet gas pressure level is to be between 7–10 inches water column.	Permits use of manufacturer's specified gas inlet pressure range, if the nameplate input rating ±2 percent cannot be achieved at 7–10 inches water column.	Ensure representativeness.
Does not provide specific values that the regulator outlet pressure and specific gravity of the test gas must meet.	Explicitly state that the regulator outlet pressure be within the greater of ±10 percent of the manufacturer-specified manifold pressure or ±0.2 inches water column, and that the specific gravity for natural gas and propane gas be 0.57–0.70 and 1.522–1.574, respectively.	Clarification to ensure consistent use and application.
Requires use of a nine-thermocouple grid for measuring flue gas temperature, regardless of flue size.	For smaller size flues (2-inch diameter or less), require a five-thermocouple grid.	Ensure representativeness.
For the variance of the condensate mass measurements, requires that ''the sample standard deviation is within 20 percent of the mean value for three cycles'' in order to stop at three cycles. Otherwise, six cycles are required.	Clarifies that the standard deviation must be less than or equal to 20 percent of the mean value.	Clarification.
Does not provide specific direction for determining when a radiation shield is needed or what an appropriate radiation shield would be.	Explicitly states that any thermocouple with a direct line of sight to the burner must be shielded from radiation and that a radiation shield with an explicitly stated material and minimum thickness must be used.	Clarification.

DOE has tentatively determined that the proposed amendments described in section III of this NOPR would not alter the measured efficiency of DHE, or require retesting or recertification solely as a result of DOE's adoption of the proposed amendments to the test procedures, if made final. Additionally, DOE has tentatively determined that the proposed amendments, if made final, would not increase the cost of testing. Discussion of DOE's proposed actions are addressed in detail in section III of this NOPR.

III. Discussion

A. Definitions

1. Unvented Heaters

DOE defines ''unvented home heating equipment'' as a class of home heating equipment, not including furnaces, used for the purpose of furnishing heat to a space proximate to such heater directly from the heater and without duct connections and includes electric heaters and unvented gas and oil heaters. 10 CFR 430.2. In the February 2019 RFI, DOE requested comment on whether any definitions related to unvented heaters should be revised and if so, how. 84 FR 6088, 6090–6091 (Feb. 26, 2019). In particular, DOE noted that floor electric heaters are not currently included in the examples listed in the definition of ''primary heater,'' which is defined as a heating device that is the principal source of heat for a structure and includes baseboard electric heaters, ceiling electric heaters, and wall electric heaters. 10 CFR 430.2. DOE noted that floor electric heaters have similar output capacities as other types of heaters that are explicitly listed as primary heaters, and requested comment on whether the list of examples should include floor electric heaters. 84 FR 6088, 6091 (Feb. 26, 2019).

Regarding the definition of ''unvented home heating equipment,'' the CA IOUs suggested that unvented home heating equipment should be defined using similar language as ''vented home heating equipment,'' and the definition should say that unvented systems are designed to furnish ''warm air'' rather than ''heat'' so as to distinguish DHE from hydronic or steam distribution systems. Additionally, the CA IOUs stated that floor heaters should be included in the non-exhaustive list of examples under the ''primary heater''

definition. (CA IOUs, No. 8 at p. 1) [6] The Joint Advocates also stated that floor electric heaters should be included in the ''primary heater'' definition. (Joint Advocates, No. 6 at p. 1) NEEA provided conditional support for expanding the primary heater definition as long as the inclusion of electric heat in the definition of primary heater would not eliminate electric heat from other classes of equipment including heat pump technology, and would not have the effect of including gas heating technology in the same class of equipment as electric. (NEEA, No. 7 at p. 1)

After considering the comments, DOE agrees that the definition of ''unvented home heating equipment'' would benefit from using language consistent with the definition of ''vented home heating equipment.'' Consistent with the definition of ''vented home heating equipment'' that is proposed in this document (see section III.A.2), DOE is proposing to change ''furnishing heat'' to ''furnishing heated air'' in the definition of ''unvented home heating equipment'' at 10 CFR 430.2. Similarly, DOE also proposes to amend the definitions of ''unvented gas heater'' and ''unvented oil heater'' from using the phrase ''furnishes warm air'' to ''furnishes heated air.'' The term ''warm'' is subjective and does not indicate that any process was used to add heat to the air being furnished by the heater, whereas ''heated'' does indicate that thermal energy was added to the air.

Additionally, DOE is proposing to explicitly include floor electric heaters as one of the examples provided in the definition of a ''primary heater.'' To the extent that a floor electric heater is the principal source of heat for a structure, it is a primary heater. The proposed change would make such inclusion explicit in the definition of ''primary heater'' and would have no effect on the scope of coverage for floor electric heaters.

In response to NEEA's comment, DOE notes that including ''floor electric heaters'' as an example of an unvented electric heater type within the primary heater definition would not eliminate space heating fueled by electricity from other classes of equipment including heat pump technology, and would not have the effect of including gas heating technology in the same product class as electric. Space heating products that use heat pump technology are defined separately from DHE by EPCA. (42 U.S.C. 6292(a)(3) and (9)) Therefore, DOE cannot consider heat pump technology within the unvented electric heater product class. For these reasons, DOE proposes to include floor electric heaters in the definition for ''primary heaters.'' Further, to avoid confusion in regard to applicability of the ''primary heater'' and ''supplementary heater'' definitions, DOE proposes to amend the terms to ''primary electric heater'' and ''supplementary electric heater'' consistent with Appendix G.

DOE has also tentatively determined to add the phrase ''a class of unvented home heating equipment'' to the definitions of ''electric heater,'' ''unvented gas heater,'' and ''unvented oil heater'' to more clearly associate these definitions as being unvented home heating equipment.

DOE also proposes to clarify that unvented home heating equipment should be without exhaust venting, as the current definition does not state this explicitly.

No other comments were received regarding the definitions relevant to unvented heaters in response to the February 2019 RFI.

DOE requests comment on its proposed changes to the definitions for ''electric heater,'' ''primary heater,'' ''unvented gas heater,'' ''unvented home heating equipment,'' and ''unvented oil heater'' in 10 CFR 430.2, as well as on its proposed change in terminology from ''primary heater'' and ''supplementary heater'' to ''primary electric heater'' and ''supplementary electric heater,'' respectively.

2. Vented Heaters

In the February 2019 RFI, DOE also requested comment regarding whether changes to any definitions applicable to vented heaters in 10 CFR 430.2 are necessary. 84 FR 6088, 6091 (Feb. 26, 2019). In response, AHRI responded that no definitional changes are needed in 10 CFR 430.2 regarding vented heaters. (AHRI, No. 5 at p. 1) To align the definitions of unvented and vented heaters throughout 10 CFR 430.2, DOE proposes to change the phrasing of ''warm'' or ''warmed'' air to ''heated'' air in the definitions of ''vented home heating equipment'' and ''vented room heaters.'' As discussed in the preceding section, the term ''warm'' does not indicate that heat is added to the air being furnished by the heater, whereas the term ''heated'' does indicate that heat is added to the air by the heater. DOE also proposes to further align the definitions of ''unvented home heating equipment'' and ''vented home heating equipment,'' as follows. The definition for ''unvented home heating equipment'' uses the phrase, ''to a space proximate to such heater directly from the heater,'' while the definition for ''vented home heating equipment'' uses the phrase, ''to the living space of a residence, directly from the device.'' DOE has tentatively determined that the language from the unvented home heating equipment definition is more representative of DHE, so DOE proposes to modify the vented home heating equipment definition accordingly to be consistent. Finally, DOE proposes to clarify that vented home heating equipment should include exhaust venting, as the current definition does not state this explicitly.

DOE also sought comment in the February 2019 RFI regarding the definitions relevant to vented heaters in section 1.0 of Appendix O. 84 FR 6088, 6093 (Feb. 26, 2019). DOE particularly sought comment on whether the definition for ''manually controlled vented heaters'' should be changed to exclude heaters ''without automatic means of control or operation,'' rather than ''without thermostats'' (as in the current definition) to accommodate any means of automatic control rather than just thermostats. *Id.* In response, AHRI recommended against this change without added explanation. (AHRI, No. 5 at p. 3)

Subsequent to the February 2019 RFI, DOE further examined models on the market with automatic controls, and found that all products identified with automatic controls other than thermostats (*e.g.,* a timer control) also include thermostatic control mechanisms. Therefore, DOE has tentatively determined that changing the definition as discussed in the February 2019 RFI would not provide any additional clarification to the application of the definition and is not proposing to amend this definition.

DOE also requested comment generally on whether all other definitions provided in section 1.0 of Appendix O are all still appropriate, or if other updates are needed. 84 FR 6088, 6093 (Feb. 26, 2019). AHRI responded that the definitions in section 1.0 of Appendix O are appropriate and do not require changes. (AHRI, No. 5 at p. 3) The CA IOUs recommended the following definitional changes: Update the ''barometric draft regulator or barometric damper'' definition to distinguish between traditional and automatic; update the ''flue gases'' definition to ''the combination of reaction products resulting from the combustion of a fuel with the oxygen in

[6] A notation in the form ''CA IOUs, No. 8 at p. 1'' identifies a written comment: (1) Made by the CA IOUs; (2) recorded in document number 8 that is filed in the docket of this rulemaking (Docket No. EERE–2019–BT–TP–0003) and available for review at *http://www.regulations.gov;* and (3) which appears on page 1 of document number 8.

the air and inert gases, and any excess air passing through the flue;'' update the definition for ''induced draft'' to clarify ''mechanical means'' and possibly distinguish between induced draft and forced draft, if appropriate; clarify the ''infiltration parameter'' definition, and specifically whether it is conceptual or a quantifiable parameter with units (*e.g.,* volume, mass); update the ''reduced heat input rate'' definition to include fully modulating units; and update the ''vaporizing-type oil burner'' definition to use ''pot'' instead of ''bowl.'' (CA IOUs, No. 8 at pp. 5–6)

After considering the comments from AHRI and the CA IOUs, DOE is not proposing changes to the definitions in section 1 of Appendix O. Regarding the changes to the definitions of ''barometric draft regulator or barometric damper,'' ''flue gases,'' ''induced draft,'' and ''vaporizing-type oil burners'' as suggested by the CA IOUs, DOE has tentatively concluded that these terms do not require further direction or clarification, and that there is no indication that they are being inappropriately applied or misunderstood. Regarding the suggested update to the definition of ''infiltration parameter,'' DOE notes that this value is used to adjust the multiplication factor to account for infiltration loss during burner on-cycle when conducting the ANSI/ASHRAE 103 test procedure and is a dimensionless parameter (*i.e.,* it has no associated unit of measurement). Lastly, DOE notes that a ''step-modulating control'' is defined in section 1.33 of Appendix O as a control that either cycles off and on at the low input if the heating load is light, or gradually increases the heat input to meet any higher heating load that cannot be met with the low firing rate. DOE has tentatively determined that units that would be described as ''fully modulating'' meet the definition of a step-modulating control. Thus, the suggested change to the definition of ''reduced heat input rate'' to include fully modulating units is not necessary, as fully modulating units are included under the ''step-modulating control'' definition, and the definition of ''reduced heat input rate'' already includes such units.

DOE requests comment on its proposed changes to the definitions for ''vented home heating equipment'' and ''vented room heater'' in 10 CFR 430.2. DOE also requests additional comment on the definitions for vented home heating equipment in section 1.0 of Appendix O, and on its tentative determination that no changes are necessary.

B. Updates to Industry Consensus Test Methods

The unvented heater test procedure in Appendix G includes a reference to the International Electrotechnical Commission (IEC) 62301, ''Household electrical appliances—Measurement of standby power,'' (Second Edition). The vented heater test procedure in Appendix O references the following industry standards:

- ANSI/ASHRAE Standard 103–2007, ''Method of Testing for Annual Fuel Utilization Efficiency of Residential Central Furnaces and Boilers'' (ANSI/ASHRAE 103–2007);
- ANSI Z21.86–2008, ''Vented Gas-Fired Space Heating Appliances'' (ANSI Z21.86–2008);
- ASTM D2156–09, ''Standard Test Method for Smoke Density in Flue Gases from Burning Distillate Fuels'' (ASTM D2156–09);
- IEC 62301 (Second Edition), ''Household electrical appliances—Measurement of standby power'' (IEC 62301);
- UL 729–2003, ''Standard for Safety for Oil-Fired Floor Furnaces'' (UL 729–2003);
- UL 730–2003, ''Standard for Safety for Oil-Fired Wall Furnaces'' (UL 730–2003); and
- UL 896–1993, ''Standard for Safety for Oil-Burning Stoves'' (UL 896–1993).

As described in the February 2019 RFI, all of the referenced industry standards, except for ASTM D2156–09 [7] and IEC 62301 (Second Edition), have been superseded with a more recent version. 84 FR 6088, 6091 (Feb. 26, 2019). The changes in the most recent version of UL 729, UL 730, and UL 896 were to sections not referenced by the DOE test procedure, and the changes to the most recent version of ANSI Z21.86, while affecting sections referenced by the DOE test procedure, were non-substantive and unlikely to have any impact on the test burden or measured energy consumption under the DOE test procedure. *Id.* Therefore, DOE has tentatively determined to update references to the industry standards to their most recent versions for ASTM D2156–09, UL 729, UL 730, UL 896, and ANSI Z21.86.

In the February 2019 RFI, DOE described the substantive updates to ANSI/ASHRAE 103 (see section III.B.1 of this document for additional discussion of these changes) and requested comment on whether the changes are appropriate for adoption in the vented heater test procedure. DOE also requested comment on whether any of the updates to the referenced standards impact the test burden or measured consumption under the DOE test procedure. 84 FR 6088, 6091–6092 (Feb. 26, 2019).

NPGA responded generally in support of the updates to the referenced industry standards. (NPGA, No. 3 at p. 1) No other comments were received regarding the updated versions of the referenced industry test procedures. As discussed in section III.B.1 of this document, DOE is adopting ANSI/ASHRAE 103–2017 with certain modifications.

1. ANSI/ASHRAE 103

ANSI/ASHRAE 103–2007, currently referenced in Appendix O, has been superseded by ANSI/ASHRAE 103–2017. As described in the February 2019 RFI, there are several changes to sections incorporated by reference within the vented heater test procedure. 84 FR 6088, 6091 (Feb. 26, 2019). Many of the changes are minor clarifications, such as adding metric units or changing the order of a sentence without affecting its intent. However, other changes could have a substantive effect on the vented heater test procedure, if adopted by DOE. *Id.*

DOE noted that ANSI/ASHRAE 103–2017 removed the allowable error in the oil pressure measurement from section 6.3, and requested comment as to whether this change is appropriate for vented home heating equipment. 84 FR 6088, 6091–6092 (Feb. 26, 2019). In response, the CA IOUs recommended that the error value be retained for the vented heater test procedure, stating that their market research showed that manufacturers still produce oil-fired furnaces, and the error values are beneficial in maintaining consistency amongst these manufacturers. (CA IOUs, No. 8 at p. 2) DOE has tentatively determined that inclusion of the pressure measurement error values from ANSI/ASHRAE 103–2007 remains appropriate and proposes to retain their application by directly including them in Appendix O.

In section 8.6 of ANSI/ASHRAE 103–2017, titled ''Jacket Loss Measurement,'' figures 12 and 13 were replaced by a set of equations. Figure 12 shows graphically how to use the difference between surface temperature and the surrounding air temperature to determine a value for h_c, the coefficient of convection for vertical and horizontal surfaces; and Figure 13 shows graphically how to use the surface temperature to determine a value of H_{ri}, the coefficient of heat transfer by radiation. In the February 2019 RFI, DOE requested comment on whether this change is appropriate for the vented

[7] ASTM D2156–09 was reapproved in 2018 (ASTM D2156–09 (2018)) without modification.

heater test procedure. 84 FR 6088, 6092 (Feb. 26, 2019). In response, the CA IOUs supported using the equations from ANSI/ASHRAE 103–2017 rather than the figures from ANSI/ASHRAE 103–2007, stating that the equations in ANSI/ASHRAE 103–2017 produce similar and more accurate results than the figures in ANSI/ASHRAE 103–2007. (CA IOUs, No. 8 at p. 2) The CA IOUs also suggested that DOE should encourage ANSI/ASHRAE to publish the data points used to create the 2007 graphs in order to compare those values to the values obtained through the equations. (CA IOUs, No. 8 at p. 3)

DOE has preliminarily determined that the calculations included in ASHRAE 103–2017 to determine jacket loss provide more accurate values as compared to the figures provided in the 2007 version, and the equations mitigate the possibility of human error in interpreting the figures. As a result, DOE is proposing to incorporate by reference the calculations provided in section 8.6 of ANSI/ASHRAE 103–2017.

In the February 2019 RFI, DOE also noted updates made to section 9.10, titled ''Optional Test Procedures for Condensing Furnaces and Boilers That Have No Off-Period Flue Losses'' in ANSI/ASHRAE 103–2017. 84 FR 6088, 6091–6092 (Feb. 26, 2019). Specifically, section 9.10 of ANSI/ASHRAE 103–2007 specifies that for condensing units designed with no measurable airflow through the combustion chamber and heat exchanger, the off-cycle flue gas draft factor (D_F) and the ratio of flue gas mass flow during the off-period to the flue gas mass flow during the on-period (D_P) may be set to 0.05 for units having a post-purge period of less than 5 seconds. In contrast, section 9.10 of ANSI/ASHRAE 103–2017 provides this specification for units having a post-purge period of less than or equal to 30 seconds. DOE sought comment on whether this change is appropriate for the vented heater test procedure. *Id.* In response, AHRI recommended that the post-purge time should not increase from less than or equal to 5 seconds to less than or equal to 30 seconds. (AHRI, No. 5 at p. 2)

After a thorough review of Appendix O, ANSI/ASHRAE 103–2007, ANSI/ASHRAE 103–2017, and stakeholder comments, DOE proposes to remove the mentions of sections 8.8.3 and 9.10 of ANSI/ASHRAE 103 within section 3.6.2.4.1 of Appendix O. Section 3.6.1 of Appendix O provides explicit instruction that the default draft factors can be used if the test method described in section 3.6.2 of Appendix O is met. The test method in section 3.6.2 of Appendix O does not address post-purge time and states that if the conditions of the test method are met that the default draft factors may be used. Section 8.8.3 of ANSI/ASHRAE 103 states that the default draft factors may be used for all units having no measurable airflow through the combustion chamber and heat exchanger when the burners are off. Therefore, all the information stated in section 8.8.3 of ANSI/ASHRAE 103 is already stated in sections 3.6.1 and 3.6.2 of Appendix O. Section 9.10 of ANSI/ASHRAE 103 applies to condensing units and includes the same requirements as section 8.8.3 of ANSI/ASHRAE 103 with the addition of the maximum post-purge time which was previously discussed. If the post-purge time is below the maximum allowed and there is no measurable airflow through the combustion chamber and heat exchanger when the burners are off, then section 9.10 of ANSI/ASHRAE 103 allows the testing agency to use the default draft factors and, at their discretion, omit the heat-up and cool-down tests. Appendix O does not include a heat-up test, and section 3.6 of Appendix O does not discuss a maximum post-purge time when establishing the cool-down test procedures for determining the draft factors or the test method to determine if the default draft factor may be used. Therefore, DOE has tentatively determined that the inclusion of a reference to section 9.10 of ANSI/ASHRAE 103 could cause confusion due to the maximum post-purge requirement which is not discussed within Appendix O.

DOE seeks comment on its proposal to incorporate by reference ANSI/ASHRAE 103–2017 with modifications. In particular, DOE is interested in receiving comment on its proposal to add the oil pressure measurement error value, which was omitted from ANSI/ASHRAE 103–2017, to Appendix O, and on its proposal to remove the mention of sections 8.8.3 and 9.10 within section 3.6.2.4.2 of Appendix O.

C. Unvented Heaters

1. Calculation of Annual Energy Consumption

For electric heaters, section 2.1 of Appendix G specifies a requirement for measuring and recording the maximum electrical power consumed when heating, in terms of kilowatts, and section 3.3 specifies a requirement for calculating a rated output. For primary electric heaters only, section 3.1 of Appendix G specifies a calculation for the national average annual energy consumption based on the maximum electrical power, and section 3.2 specifies a calculation for the annual energy consumption by geographic region. The calculation of national average annual energy consumption in section 3.1 of Appendix G is based on several assumptions, including the national average annual heating load hours of 2080, an adjustment factor of 0.77,[8] and a typical oversizing factor for primary electric heaters of 1.2.[9] The calculation of regional annual energy consumption in section 3.2 of Appendix G is based on the same assumptions as the national value, except that regional heating load hours are provided by a Figure 1, depicting geographic regions the United States and the associated heating load hours for each region.

In the February 2019 RFI, DOE noted that Appendix G does not specify a method for calculating annual fuel energy consumption for unvented gas and oil heaters. 84 FR 6088, 6092 (Feb. 26, 2019). DOE sought comment on whether the calculations and assumptions for calculating national and regional annual energy consumption of primary electric heaters are still appropriate and whether calculations for the annual fuel energy consumption of gas, propane, and oil heaters should be added to the test procedure. Id.

AHRI stated that the assumptions for calculating the national and regional annual energy consumption are still appropriate, and the organization recommended against calculating annual fuel energy consumption for unvented gas and oil heaters because all heat is contained within the conditioned space, so they should be considered 100-percent efficient. (AHRI, No. 5 at p. 2) AHAM stated that it is not aware of any data necessitating changing the assumptions made for national and regional values and urged DOE not to change those values. (AHAM, No. 4 at p. 2) NPGA stated that if DOE pursues calculation of annual fuel energy consumption for gas and oil unvented heaters, it should do so using full-fuel-cycle (FFC) analysis. NPGA also asserted that DOE should apply FFC to electric heating equipment as well. (NPGA, No. 3 at p. 1–2) NEEA recommended against requiring annual fuel energy consumption to be displayed on marketing material due to concerns about reducing purchases of high-efficiency vented heaters and consumers purchasing products that do

[8] The adjustment factor is a multiplier to adjust the heating load hours to the approximate burner operating hours experienced by the system.

[9] The oversizing factor accounts for space heating products generally being oversized when compared to the actual required heating load.

not fit their actual needs. NEEA stated that unvented heaters have higher efficiencies than vented heaters, because all the heated air and combustion gases are delivered to the consumer's heated space, and, as a result, such units will typically have lower energy consumption than vented heaters. NEEA also stated that a lower energy consumption value could lead to some consumers choosing an unvented heater over a vented heater, if the consumer does not recognize the difference in utility between the two types of heaters. According to NEEA, unvented heaters, in addition to providing heated air, also increase the moisture content and deliver combustion products to the occupied space, and while appropriate for some applications, the difference in utility may not be clear to the consumer. (NEEA, No. 7 at pp. 1–2) The Joint Advocates recommended that DOE require the annual fuel energy consumption calculations for gas and oil unvented heaters to ensure that any representations of annual energy use for these products would be based on a consistent calculation methodology. (Joint Advocates, No. 6 at p. 1)

After considering these comments, DOE is not proposing changes to the national and regional values used in the calculations of annual energy consumption in Appendix G for primary electric heaters, as DOE has tentatively determined that the existing calculations and assumptions are still appropriate. DOE also is not proposing to add calculations for annual fuel energy consumption of gas and oil unvented heaters. DOE has tentatively concluded that such calculations would be unlikely to provide consumers with valuable information, and as suggested by NEEA, an annual fuel energy use value for unvented gas and oil heaters could potentially confuse consumers if comparisons are made to the values for vented heaters without full understanding of the different applications and utilities of each product.

With regard to NPGA's recommendation to determine the annual energy consumption based on FFC, as DOE has noted for other products such as residential furnaces and boilers and cooking products (81 FR 2628, 2638–2639 (Jan. 15, 2016); 81 FR 91418, 91439 (Dec. 16, 2016)), DOE does not believe the test procedure is the appropriate vehicle for deriving an FFC energy use metric for DHE. As discussed in the Notice of Policy Amendment Regarding Full-Fuel Cycle Analyses, DOE uses the National Energy Modeling System (NEMS) as the basis for deriving the energy and emission multipliers used to conduct FFC analyses in support of energy conservation standards rulemakings. 77 FR 49701 (August 17, 2012). DOE also uses NEMS to derive factors to convert site electricity use or savings to primary energy consumption by the electric power sector. NEMS is updated annually in association with the preparation of the Energy Information Administration's (EIA's) *Annual Energy Outlook.* Based on its experience to date, DOE expects that the energy and emission multipliers used to conduct FFC analyses would change each year. Consequently, if DOE were to include an FFC energy descriptor as part of the DHE test procedures, DOE would need to update the test procedures annually, as opposed to every 7 years as is currently required by EPCA (see 42 U.S.C. 6293(b)(1)(A)), which would result in unnecessary regulatory burden. Additionally, a change in the NEMS-derived values would also result in all products on the market being required to recertify regardless of any other test procedure change that could affect efficiency.

2. Standby Mode and Off Mode Energy Consumption

In the December 2012 final rule that included DHE test procedures, DOE determined not to include standby mode and off mode energy use in the annual energy consumption calculations for unvented heaters because a detailed annual energy consumption accounting was not deemed appropriate for this product type (*i.e.,* because there is no annual accounting at all for supplemental heaters, and only a simplified assigned value for primary heaters). 77 FR 74559, 74561 (Dec. 17, 2012). In the August 30, 2010 NOPR that preceded the December 2012 final rule, DOE explained that the integration of standby mode and off mode energy was not necessary or appropriate for the following reasons:

(1) The test procedure does not include energy efficiency or energy use metrics that would allow for the integration of standby mode and off mode energy use.

(2) Standby mode energy use (defined as energy use during the heating season when the heater is not on) is as effective in heating the space as active mode energy use.

(3) Off mode energy consumption (defined as energy use during the non-heating season when the heater is not on) could be considered ineffective energy use and, accordingly, could be minimized by prescribing a separate energy conservation standard. However, DOE lacked data on consumer use that would be needed to define a representative off mode for unvented heaters.

75 FR 52892, 52898–52899 (August 30, 2010).

In the February 2019 RFI, DOE requested comment on whether standby mode and off mode energy use should be included in the annual energy consumption for unvented heaters. 84 FR 6088, 6092 (Feb. 26, 2019). DOE also requested information on annual and/or regional heating season data, and operational mode hours that could potentially be used to incorporate standby mode and off mode energy consumption. *Id.*

AHRI recommended against incorporating standby mode and off mode energy use into annual energy consumption for unvented heaters, stating that standby mode energy use is just as effective in heating the space as active mode energy use and that off mode consumption is generally reduced by the user turning off the pilot during the non-heating seasons. (AHRI, No. 5 at p. 2) In contrast, the Joint Advocates stated that the annual energy consumption should include standby mode and off mode energy use. The Joint Advocates commented that this is a particular issue when determining the fuel energy consumption, because for units with a pilot light, the energy consumption of the pilot during the non-heating season could represent a significant energy use. The Joint Advocates also stated that including standby mode and off mode energy consumption for unvented heaters should be consistent with the calculation methodology for vented heaters. (Joint Advocates, No. 6 at p. 1)

In response to DOE's request for information on annual and/or regional heating season data and operational hours for each mode, AHRI stated that the requested data do not exist, as usage patterns, structural characteristics, etc., vary for every heating region. (AHRI, No. 5 at p. 2) NPGA supported use of EIA data for information on national and regional heating seasonal data. (NPGA, No. 3 at p. 2) The CA IOUs stated that current industry practice for primary heating equipment is to use heating degree days (HDD) as a proxy for annual heating hours. However, the CA IOUs commented that for supplemental heating equipment, HDD is not always directly linked to operating hours and recommended that DOE survey supplemental heating operating conditions and hours to better understand their operation. (CA IOUs, No. 8 at pp. 4–5)

DOE is not proposing to include standby mode and off mode energy consumption in the annual energy consumption calculation for unvented heaters. DOE tentatively continues to

determine, as confirmed by AHRI, that the standby mode energy consumption of unvented heaters is as effective at heating the space as active mode energy, and, therefore, it is unnecessary to integrate. Regarding off mode energy consumption, DOE has tentatively concluded that some consumers could potentially leave the pilot light on during the non-heating season, thereby resulting in consumption of additional energy. However, in its review of the market, DOE found that all identified models with a pilot light included instructions from the manufacturer for turning the pilot light off during the non-heating seasons. DOE lacks data for the operational hours in off mode and the percentage of consumers that do not turn their pilot lights off during the non-heating seasons, thereby making it impossible to determine whether a problem actually exists or its magnitude. Based on the presence of manufacturer instructions and lack of data on representative use, DOE is not proposing to incorporate off mode energy use in the test procedure.

DOE requests comment on its tentative determination to not include standby mode and off mode energy consumption into the annual energy consumption for unvented heaters.

D. Vented Heaters

For vented heaters, Appendix O specifies provisions for determining the product's AFUE, which is the efficiency descriptor established by EPCA for these products. (42 U.S.C. 6291(22)(A))

1. Models With Multiple Automatic Operation Modes

Section 2.11 of the current test procedure specifies that for equipment that has both manual and automatic thermostat control modes, the unit must be tested according to the procedure for its automatic control mode (*i.e.,* single-stage, two-stage, or step-modulating). However, when a unit has multiple automatic operational modes, the test procedure does not explicitly specify what automatic operating mode must be used for testing.

In the February 2019 RFI, DOE requested comment on whether vented heaters having multiple automatic operation modes exist, and if so, whether further direction regarding the tested operating mode is necessary. 84 FR 6088, 6093 (Feb. 26, 2019). AHRI responded that DHE with multiple operating modes exist and recommended that DOE clarify that the least-efficient mode be used during AFUE tests for such models. (AHRI, No. 5 at p. 3)

As previously stated, EPCA requires test procedures prescribed or amended by DOE to be reasonably designed to produce test results which measure the energy efficiency of a covered product during a representative average use cycle or period of use and must not be unduly burdensome to conduct. (42 U.S.C. 6293(b)(3)) DOE does not have data on the frequency of use by a consumer of the least-efficient mode, and commenters did not provide any such data. It is not clear that the least-efficient mode, as recommended by AHRI, would necessarily be the most representative mode for testing models with multiple automatic operating modes. Through a review of manufacturer's product literature, DOE was unable to find vented heaters with multiple automatic operation modes and seeks further comment on which models are available with multiple automatic operating modes.

DOE is proposing to explicitly specify that models with multiple automatic operation modes be tested in the mode suggested by the manufacturer for normal operation or the default mode as defined in the manufacturer's installation and operations manual. If a default mode is not defined in the product literature, DOE proposes that tests be conducted in the mode that the product operates in as shipped from the manufacturer.

DOE requests comment on its proposal with regard to the automatic operational mode for testing models with multiple automatic operation modes. DOE requests data and information on the consumer use of different automatic operational modes when offered on a vented heater. DOE is interested in receiving comment on the characteristics of the mode recommended by manufacturers for normal operation, on how such mode is described in the manufacturer's installation and operations manual when provided, and on which models currently available on the market include multiple automatic operation modes.

2. Fuel Supply and Burner Adjustments

Sections 2.3.1 and 2.3.3 of Appendix O require that for natural gas-fueled and propane gas-fueled vented heaters, the gas supply be maintained at a normal inlet test pressure immediately ahead of all controls at 7 to 10 inches water column and 11 to 13 inches water column, respectively. In addition, section 2.4.1 of Appendix O requires that the fuel flow rate be set to obtain a heat rate of within ±2 percent of the hourly Btu rating specified by the manufacturer, as measured after 15 minutes of operation. During exploratory testing performed for the development of this NOPR, one unit that was tested was unable to achieve the nameplate input rate within 2 percent while maintaining a natural gas supply pressure of 7 to 10 inches water column. The manufacturer's recommended gas inlet pressure for this model was 5 to 10.5 inches water column, and the nameplate input rating was achieved at a natural gas supply pressure of 5 inches water column.

To ensure models are tested at conditions representative of field conditions while still maintaining consistency and repeatability, DOE proposes additional direction to address situations in which the required fuel rate cannot be achieved under the conditions specified in the test procedure (*e.g.,* at 7–10 inches water column for natural gas). DOE is proposing that in such instances, it is allowable to use any gas supply pressure within the range specified by the manufacturer.

Sections 2.3.1 and 2.3.2 of Appendix O also require the regulator outlet pressure be maintained at ''a normal test pressure approximately at that recommended by the manufacturer.'' DOE proposes to clarify these statements to require that the regulator outlet pressure be maintained at the greater of ±10 percent of the manufacturer-specified manifold pressure or ±0.2 inches water column. This change would ensure consistency in setting the regulator outlet pressure and aligns the language within Appendix O with the DOE test procedures for other gas-fired heating products (*e.g.,* consumer water heaters and commercial water heaters).

Sections 2.3.1 and 2.3.2 of Appendix O also require that the specific gravity be approximately 0.65 or 1.53 for natural gas or propane gas, respectively. DOE proposes to require that the specific gravity be between 0.57 and 0.70 for natural gas and 1.522 and 1.574 for propane gas. These specific gravity ranges correspond to the values presented in Annex G of ANSI Z21.86–2016.

Finally, DOE proposes to remove the phrase ''normal'' from ''normal inlet test pressure'' in sections 2.3.1 and 2.3.2 of Appendix O and replace ''normal hourly Btu input rating'' in section 2.4.2 of Appendix O with ''maximum hourly Btu input rating.'' Section 2.4.1 of Appendix O requires that the burners for gas fueled vented heaters be adjusted to provide an input rate within ±2 percent of the maximum Btu rating specified by the manufacturer at the test pressures specified in section 2.3 of

Appendix O. As the test pressures within section 2.3 of Appendix O are proposed to be explicitly stated, the use of the phrase ''normal'' is no longer necessary. The proposed change to replace ''normal hourly Btu input rating'' with ''maximum hourly Btu input rating'' in section 2.4.2 of Appendix O, which describes the burner adjustments for oil-fueled vented heaters, aligns the input rate language throughout section 2.4 of Appendix O.

DOE requests comment on its proposals to allow a manufacturer-specified value for gas supply pressure if test conditions are not achievable at a gas supply pressure of 7 to 10 inches water column for natural gas or 11–13 inches water column for propane gas, to require the regulator outlet pressure be within the greater of ±10 percent of the manufacturer-specified manifold pressure or ±0.2 inches water column, to require the specific gravity of natural gas be between 0.57 and 0.70 and for propane gas be between 1.522 and 1.574, to remove the phrase ''normal'' from sections 2.3.1 and 2.3.2 of Appendix O, and to replace ''normal hourly Btu input rating'' with ''maximum hourly Btu input rating'' within section 2.4.2 of Appendix O.

3. Flue Thermocouples

Section 2.6 of Appendix O requires installation of nine thermocouples in the vent for measuring flue gas temperature for both gas-fueled and oil-fueled vented heaters. As noted previously, DOE conducted testing to inform the development of this NOPR. For one of the units tested, the exhaust piping was 2 inches in diameter, and the nine thermocouples significantly restricted airflow in the vent, resulting in flue gas temperature readings and carbon monoxide levels above normal operating conditions. To ensure that measurements taken during testing of models with smaller flues (*i.e.,* 2 inches diameter or less) are representative of typical use, DOE proposes to allow fewer thermocouples to be used for such models when the use of nine thermocouples prevents the unit from operating within the allowable test conditions. Specifically, DOE is proposing to adopt a requirement to allow the test lab to use five thermocouples (which DOE notes is the same as the requirement in ASHRAE 103–2017, section 7.6 and figure 10) when the flue size is less than or equal to 2 inches diameter. Given that the cross-sectional flue area is smaller for models with small vent diameter, fewer thermocouples are needed to obtain accurate flue gas temperature measurements. Further, using fewer thermocouples would result in less flue restriction, and could more closely resemble operation in the field, thereby providing more representative flue gas readings.

DOE seeks comment on its proposal to allow the use of five thermocouples, rather than nine thermocouples, in vented heaters with a vent diameter of 2 inches or less.

4. Cyclic Condensate Collection Test

Section 3.8.2 of Appendix O specifies the test procedure for collecting condensate under cyclic conditions for condensing vented heaters. During this test, three to six cycles of a 4 minute on-cycle followed by a 13 minute off-cycle are completed. The total mass of condensate and fuel energy input are then used in section 4.0, ''Calculations.'' The cyclic condensate collection test does not specify the input rate at which the burner should fire during the on-cycle times for units with modulating controls.

a. Input Rate

The cyclic condensate collection test was based on section 9.8 of ANSI/ASHRAE 103–2007, which specifies that regarding the input rate for units with modulating controls, the following applies: (a) For step-modulating units, the test is conducted at the reduced [10] input rate only, which is defined in section 3 of ANSI/ASHRAE 103–2007; or (b) for two-stage units, the test is conducted at both the maximum and reduced input rates unless the balance-point temperature (T_C) determined is equal to or less than the typical outdoor design temperature of 5 °F (−5°C), in which case test at the reduced input rate only. The required input rate is specified in all other tests within the vented heater test procedure. Therefore, DOE proposes to add input rate instructions similar to ANSI/ASHRAE 103–2007 to section 3.8.2 of Appendix O. This change would align the vented heater test procedure with ANSI/ASHRAE 103, on which Appendix O was heavily dependent for development.

DOE requests comment on its proposal to specify input rate instructions for the cyclic condensate collection test.

b. Mass Measurement Requirements

Section 3.8.2 of Appendix O states that if after three cycles ''the sample standard deviation is within 20 percent of the mean value for three cycles,'' the test can be ended, and the total mass collected in the three cycles can be used. Otherwise, three additional cycles of condensate collection are required, for a total of six cycles. DOE notes that the existing language for checking whether the variance of the condensate collected during the first three cycles is sufficiently small could be read to require that the standard deviation be ''within 20 percent'' of the mean value of the mass of condensate collected. Such a reading would not be logical because a small standard deviation is desirable for consistent results, and, therefore, the standard deviation value should not be compared directly to the mean and be required to be within 20 percent of the mean value. Rather, the phrase requires that the standard deviation be at or below ''20 percent of the mean value'' (*i.e.,* the sample standard deviation should be less than or equal to 20 percent of the mean). DOE proposes to revise this statement to state that the standard deviation must be less than or equal to 20 percent of the mean rather than ''within 20 percent'' of the mean. This proposed change would clarify the wording to avoid confusion that could result from the existing text.

DOE requests comment on its proposed rewording of the variance condition between cycles to clarify that the standard deviation must be less than or equal to 20 percent of the mean, for determining whether the cyclic condensate mass collection must be performed for three cycles or six cycles.

5. Other Vented Heater Topics

a. Test Method for Condensing Vented Home Heating Equipment

Section 3.8 of Appendix O contains provisions for testing vented heaters that utilize condensing technology. Condensing technology is a design strategy to increase the efficiency of a heating appliance by extracting additional thermal energy from the flue gases. The provisions for condensing vented heaters in Appendix O are based on those contained in ANSI/ASHRAE 103–2007, which are applicable to condensing furnaces and boilers. However, because the application of the condensing technology test provisions to vented heaters requires modifications not needed for furnaces and boilers, DOE includes the condensing provisions in Appendix O, rather than incorporating by reference the relevant provisions of ANSI/ASHRAE 103–2007.

In the February 2019 RFI, DOE requested comment on the test method for condensing vented heaters, specifically including information on

[10] ''Reduced heat input rate'' is defined in section 1 of Appendix O as the factory-adjusted lowest reduced heat input rate for vented home heating equipment equipped with either two-stage thermostats or step-modulating thermostats.

the test burden and on ways to potentially reduce burden. 84 FR 6088, 6093 (Feb. 26, 2019). AHRI stated that the provisions for testing condensing equipment are appropriate and do not need to be updated. (AHRI, No. 5 at p. 3) DOE received no other comment on this issue.

Consequently, DOE is not proposing to change the existing provisions for testing condensing vented heaters in the Federal test procedure for DHE.

b. Determination of Balance Point Temperature, Heating Load Fractions, and Average Outdoor Temperature

In section 4.1.10 of Appendix O, titled ''Steady-state efficiency,'' the balance point temperature [11] (T_C) can be determined either with an equation or using the values provided in Table 3 of Appendix O. The two options may not yield the exact same result because Table 3 provides a single balance point temperature value for a range of heat output ratios (R), while the equation provides a specific value for each heat output ratio. In other words, to use Table 3, first the heat output ratio is determined, then the corresponding range in Table 3 is selected to identify the balance point temperature for units with heat output ratios in the given range. To use the equation method, however, the heat output ratio is plugged into the equation, and balance point temperature is calculated. Similarly, values for the fraction of the heating load and average outdoor temperature at the reduced and maximum operating modes (variables X_1, X_2, T_{OA}, and T_{OA}*) are determined using either Table 3 or, for T_{OA} and T_{OA}*, Figure 1 of Appendix O (which provides a graph showing T_{OA}, and T_{OA}* variables for any balance point temperature between 16 °F and 62 °F) and, for X_1 and X_2, Figure 2 of Appendix O (which provides a graph showing variables X_1 and X_2 for any balance point temperature between 0 °F and 62 °F). Table 3, Figure 1, and Figure 2 may yield different results because Table 3 provides discreet values for X_1, X_2, T_{OA}, and T_{OA}*, whereas Figure 1 and Figure 2 provide continuous graphical curves for determining the relevant variables.

For the February 2019 RFI, DOE reviewed test data to estimate the impact of the different methods for determining the aforementioned variables on the measured AFUE value. The different methods resulted in a difference on the order of hundredths of a percentage point of AFUE, which DOE tentatively concluded would not be likely to affect the measured AFUE in most cases when rounded to a whole number. 84 FR 6088, 6093 (Feb. 26, 2019). DOE requested comment on whether the differences in the balance point temperature (T_C) produced by the equation and as obtained from Table 3 can result in different values for the fraction of the heating load (X_1 and X_2) and average outdoor temperature at the reduced and maximum operating modes (T_{OA} and T_{OA}*), and if so, the extent of any such difference. DOE also requested comment on whether any differences in the values of X_1, X_2, T_{OA}, and T_{OA*} within Table 3 and Figures 1 and 2 could produce different results, especially in AFUE, and if so, the extent of such differences. *Id.*

DOE did not receive any comments in response to these issues. As discussed, based on DOE's analysis, any changes in AFUE resulting from the differences in the equation, table, and figures are minimal. Therefore, DOE is not proposing any changes to the test method related to these issues.

c. Default Jacket Loss Value for Vented Floor Furnaces

The test procedure for vented floor furnaces requires the measurement of jacket losses when determining the AFUE. Section 3.2, Appendix O. In the NOPR published in the **Federal Register** as part of the rulemaking for the January 2015 final rule, DOE proposed an optional use of a default jacket loss value of 1 percent for vented floor furnaces, as an alternative to performing a jacket loss test. 78 FR 63410, 63415 (Oct. 24, 2013). In the January 2015 final rule, DOE decided not to adopt the 1-percent default jacket loss value for vented floor furnaces after reviewing test data that revealed an average jacket loss of 3.05 percent. 80 FR 792, 794 (Jan. 6, 2015).

In the February 2019 RFI, DOE requested comment and test data on whether a higher default jacket loss value should be considered for vented floor furnaces. 84 FR 6088, 6093 (Feb. 26, 2019). The Joint Advocates urged DOE not to include a default jacket loss value for vented floor furnaces, stating that a default value would allow products to have a jacket loss higher than the default without incurring a penalty, and could lead to efficiency ratings that are not representative of actual energy use. (Joint Advocates, No. 6 at p. 2) NEEA expressed support for a default jacket loss value that is representative of the jacket loss performance of the worst 25 models on the market. NEEA also stated that it prefers that testing for jacket loss still be allowed or for a calculation method to be developed, in lieu of a default value, to encourage innovation in decreasing jacket losses. (NEEA, No. 7 at p. 2)

After carefully considering these comments and the available information, DOE is not proposing a default jacket loss value. DOE has tentatively concluded that a default jacket loss value for vented floor furnaces would provide less representative ratings than the current test method, which requires measurement of the jacket loss in floor furnaces.

D. Draft Factors for Models With No Measurable Airflow

Section 3.6.1 of Appendix O specifies that on units with no measurable airflow through the unit when not in heating mode (as determined by a smoke stick test defined in section 3.6.2 of Appendix O), both D_F and D_P may be set equal to 0.05. In the February 2019 RFI, DOE requested comment on whether models using condensing or induced draft technology are always capable of meeting the criteria required to use the default draft factors of 0.05. 84 FR 6088, 6093 (Feb. 26, 2019). DOE also sought comment on whether such models should automatically be considered to have no measurable airflow, and, thus, allowed to use the defined value of 0.05 for D_F and D_P without performing the smoke stick test. *Id.*

AHRI recommended against allowing condensing or induced draft DHE to be considered to have no measurable airflow and use constant values for D_F and D_P without confirmation testing. (AHRI, No. 5 at p. 3)

After carefully considering comment on this issue in response to the February 2019 RFI, DOE is not proposing use of the default D_F and D_P values for condensing and induced draft vented heaters without first performing the test in section 3.6.2 of Appendix O to confirm that there is no measurable airflow. DOE has tentatively concluded that the provisions in the current test procedure for ensuring there is no airflow through the unit when not in heating mode before allowing the default draft factors, are appropriate, particularly since the smoke stick test was not identified as overly burdensome by stakeholders or during DOE's testing. Further verification of no airflow ensures that representative draft factors are applied during testing.

[11] The ''balance point temperature'' is defined in section 4 of Appendix O and represents a temperature used to apportion the annual heating load between the reduced input cycling mode and either the modulating mode or maximum input cycling mode.

e. Radiation Shielding

Sections 2.6.1, 2.6.2, and 2.9 of Appendix O require that radiation shields be used to protect thermocouples that could receive direct radiation from the fire. However, no instruction is given on how to determine if a thermocouple could receive direct radiation from the fire, and if so, what type of radiation shielding would be required. DOE has tentatively proposed to require that all thermocouples be shielded from the fire if there is a direct line of sight between the fire and the thermocouple. Further, if radiation shielding is required, then a radiation shield meeting the material and minimum thickness requirements stated in section 8.14.1 of ANSI Z21.86–2016 shall be used.

DOE requests comment its proposed changes to the radiation shielding requirements within sections 2.6.1, 2.6.2, and 2.9 of Appendix O. In particular, DOE seeks information as to what methods are currently being used to determine whether a thermocouple would require a radiation shield and also what types of materials are currently used as radiation shields.

E. Performance and Utility

DHE provides space heating (heated air) directly to the consumer's living space without the use of duct connections. Also relevant to DHE may be the ability to provide ''quiet'' operation, non-heating air circulation, and space humidification, as well as the aesthetic appearance of the unit. In the February 2019 RFI, DOE requested comment on whether the test procedures impact the availability of such features on DHE. 84 FR 6088, 6094 (Feb. 26, 2019).

The CA IOUs stated that the current procedures do not have an effect on manufacturers' ability to produce quiet or aesthetically pleasing products. (CA IOUs, No. 8 at p. 6) However, the CA IOUs stated that the current test procedures potentially could impact non-heating air circulation and space humidification, and recommended testing under different ambient conditions and monitoring the resulting energy use or operational efficiency to determine the impact on non-heating air circulation. Regarding space humidification, the CA IOUs also stated that the test procedure would likely impact space humidification since it involves heating the space, which in turn will change the dry/latent heat composition. The CA IOUs noted that section 3.8 of Appendix O, which addresses the measurement of condensate for condensing vented heaters, requires that the space humidity not exceed 80 percent relative humidity, stated that the heating requirements of a humidified space are different from a dehumidified space, and recommended further testing to ascertain the effects of the test procedure on the availability of space humidification features. (CA IOUs, No. 8 at p. 6–7)

DOE is not proposing any changes to the test procedure related to the issues raised by the CA IOUs and has tentatively determined that the other proposed changes to Appendix O would not have an effect on the issues raised by the CA IOUs. DOE does not have any data or test results to indicate that the current test procedure negatively impacts non-heating air circulation and space humidification. Non-heating air circulation energy use is not captured by the test procedure; therefore, there is no impact on this potential feature. Relative humidity requirements are specified only for condensing vented heaters because the effect of the ambient relative humidity on the energy efficiency is most significant for condensing vented heaters. DOE is not aware of condensing vented heaters on the market that provide space humidification that would cause the ambient relative humidity to exceed 80 percent. DOE has tentatively determined that the relative humidity requirement for condensing vented heaters of 80 percent is not burdensome to maintain and is likely higher than the highest humidity that would be observed in a home, so, therefore, the test procedure should not affect the potential space humidification feature.

DOE seeks additional comment and data on whether the DHE test method affects DHE utility or performance, specifically including whether there are impacts on features such as air circulation and space humidification.

F. Additional Comment

In response to the February 2019 RFI, Woodall suggested mandating electronically-commutated motors as replacements for permanent split-capacitor motors that are common in the DHE market as a means to reduce power consumption in both vented and unvented systems. (Woodall, No. 2 at p. 1)

A requirement as suggested by the commenter is outside the scope of DOE's authority for DHE as provided under EPCA. At 42 U.S.C. 6291(6), EPCA defines the term ''energy conservation standard'' to mean a performance standard that prescribes a minimum level of energy efficiency or a maximum quantity of energy use (or water use for certain specified covered products), as determined under the applicable DOE test procedure. That same definition does allow for adoption of a design requirement for certain enumerated covered products; however, DHE is not on that list. Thus, the statute does not permit DOE to adopt a standard requiring an electronically-commutated motor, as suggested by Woodall.

G. Test Procedure Costs, Harmonization, and Other Topics

1. Test Procedure Costs and Impact

EPCA requires that test procedures proposed by DOE not be unduly burdensome to conduct. (42 U.S.C. 6293(b)(3)) In this NOPR, DOE proposes to amend the existing test procedures for DHE (including both unvented and vented heaters) by updating definitions regarding unvented heaters, incorporating by reference the most recent versions of several industry standards, explicitly specifying the operational mode for testing units with multiple automatic operational modes, allowing the use of manufacturer-specified values for gas supply pressure in certain circumstances, reducing the number of thermocouples required for measuring the flue gas temperature in models with small flues, clarifying instructions for cyclic condensate mass measurements, and clarifying when radiation shielding is necessary. DOE has tentatively determined that these proposed amendments would not be unduly burdensome for manufacturers to conduct and would not change test burden for manufacturers.

DOE anticipates that the amendments proposed in this NOPR would not increase test costs.

Specifically, DOE is proposing to change certain definitions to unvented heaters. These definitional changes are for consistency, and such changes do not affect the applicability of the test procedures or classification of any unvented heaters. As a result, the definitional changes would not require additional testing or impact testing costs.

DOE is also proposing to update the industry consensus standards incorporated by reference to the most recent versions of those test methods. All of the updated industry consensus standards, except ANSI/ASHRAE 103–2017, do not contain any significant changes in the sections referenced in the DOE test procedures for DHE. For ASNI/ASHRAE 103, the 2017 version differs from the 2007 version currently referenced in the DOE test procedure in relation to the oil pressure measurement

error allowance and the post-purge time for applying default draft factor values. DOE is proposing to adopt the updated standard with modification to retain the oil pressure measurement error allowance and maximum post-purge time for applying default draft factor values from the currently-referenced 2007 version of the standard. These two revisions were the only significant differences between the 2007 and 2017 versions that would potentially impact testing of vented heaters. Retention of these requirements should not result in any additional burden or costs, as manufacturers are already complying with those provisions under the current test procedure.

DOE is proposing to specify that models with multiple automatic operational modes should be tested in the default mode (or similarly-named mode identified for normal operation). If a default mode is not defined in the product literature, the model would be tested in the mode that the equipment operates in as shipped from the manufacturer. As discussed, DOE did not identify any models currently on the market that are capable of multiple automatic operation modes. Thus, DOE tentatively concludes that, if adopted, this change would not require additional testing nor would it impact testing costs.

DOE is proposing to explicitly state the required input rate for the cyclic condensate collection test in section 3.8.2. The proposed input rate instruction is identical to the instruction in section 9.8 of ANSI/ASHRAE 103–2007, which is the industry test procedure on which the cyclic condensate collection test in section 3.8.2 is based. DOE notes this instruction is also included in the most recent version of ANSI/ASHRAE 103–2017. DOE tentatively concludes that because the input rate is not specified in DOE's current test procedure, but is explicitly stated in the industry test method, manufacturers are already testing as instructed by the industry test method. Therefore, this change would not require additional testing, nor would it impact testing costs.

DOE is proposing to allow for use of manufacturer-specified gas inlet pressure ranges when the required input rating (*i.e.,* the nameplate input rating ±2 percent) cannot be achieved at 7–10 inches water column, as currently required in Appendix O. Aside from the tested unit that presented this issue, DOE is unaware of this issue more broadly occurring in manufacturer testing. Were this issue to occur, a valid test as prescribed by the test procedure could not be performed, and a manufacturer would need to seek a waiver from the test procedure under 10 CFR 430.27. DOE has not received any such waivers. As such, this proposal would not require retesting of units on the market and would not be expected to impact test burden.

DOE is proposing a tolerance on the regulator outlet temperature to be within the greater of ±10 percent of the manufacturer-specified manifold pressure or ±0.2 inches water column. This tolerance is consistent with other DOE test procedures and would not be expected to require retesting of units on the market or to impact test burden.

DOE is proposing that the specific gravity of natural gas be between 0.57 and 0.70 and of propane gas be between 1.522 and 1.574. These ranges include the previously required values and align with the industry's required specific value ranges stated in Annex G of ANSI Z21.86–2016. As such, these proposed changes would not require retesting of units on the market and would not be expected to impact test burden.

DOE also proposes to allow the testing agency to determine whether to use nine or five thermocouples when testing models with small (2-inch or less diameter) flues. DOE has tentatively determined that the results of testing with five thermocouples instead of nine would be comparable. In models where the currently required nine thermocouples restrict the flow to the point of causing the unit to operate outside of the allowable test and/or operational conditions (such as the maximum outlet air temperature), a test meeting all the required test conditions cannot be completed. Therefore, for impacted models, this change would allow testing to the required test conditions to be conducted, which are designed to produce results representative of a typical average use cycle. DOE has tentatively determined that performing a test with five thermocouples instead of nine will impose no additional testing costs.

DOE also proposes to clarify the calculation for the allowable variance of the condensate mass measurements during the cyclic condensate test when determining whether to conduct three cycles or six. The proposed wording would not change the intent of the test or the test requirements, nor would it have an impact on test cost.

Finally, DOE proposes to clarify when radiation shielding is necessary to install and, when shielding is necessary, that appropriate shielding materials are used. Radiation shielding requirements are already included in the current test procedure, and the proposed changes would not change the intent of the test or the test requirements, nor would it have an impact on test cost.

DOE has tentatively determined that, should any of these proposed amendments be finalized, manufacturers would be able to rely on data generated under the current test procedure and that retesting should not be necessary.

2. Harmonization With Industry Consensus Standards

As discussed, Appendices G and O incorporate by reference certain provisions of numerous industry standards. Both appendices incorporate by reference IEC 62301 (Edition 2.0, 2011–01), which provides methods for measuring electrical standby mode and off mode power consumption. Appendix O also incorporates by reference ANSI/ASHRAE 103, which is a test method for determining the annual fuel utilization efficiency of residential central furnaces and boilers; ANSI Z21.86, which is a standard for construction and safety performance of vented gas space heating appliance; ASTM D–2156, which is a standard for determining smoke density; and UL 729, UL 730, and UL 896, which are standards pertaining to the installation of oil-fired vented heaters. DOE notes that the only industry standard referenced in Appendix G is IEC 62301.

DOE requests comment on the benefits and burdens of the proposed updates and additions to industry standards referenced in the test procedures for DHE.

H. Compliance Date

EPCA prescribes that, if DOE amends a test procedure, all representations of energy efficiency and energy use, including those made on marketing materials and product labels, must be made in accordance with that amended test procedure, beginning 180 days after publication of such a test procedure final rule in the **Federal Register**. (42 U.S.C. 6293(c)(2)) If DOE were to publish an amended test procedure, EPCA provides an allowance for individual manufacturers to petition DOE for an extension of the 180-day period if the manufacturer may experience undue hardship in meeting the deadline. (42 U.S.C. 6293(c)(3)) To receive such an extension, petitions must be filed with DOE no later than 60 days before the end of the 180-day period and must detail how the manufacturer will experience undue hardship. (*Id.*)

IV. Procedural Issues and Regulatory Review

A. Review Under Executive Order 12866

The Office of Management and Budget (OMB) has determined that this test procedure proposed rulemaking does not constitute a ''significant regulatory action'' under section 3(f) of Executive Order 12866, ''Regulatory Planning and Review,'' 58 FR 51735 (Oct. 4, 1993). Accordingly, this action was not subject to review under the Executive Order by the Office of Information and Regulatory Affairs (OIRA) in OMB.

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis (IRFA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As required by Executive Order 13272, ''Proper Consideration of Small Entities in Agency Rulemaking,'' 67 FR 53461 (August 16, 2002), DOE published procedures and policies on February 19, 2003, to ensure that the potential impacts of its rules on small entities are properly considered during the DOE rulemaking process. 68 FR 7990. DOE has made its procedures and policies available on the Office of the General Counsel's website: *http://energy.gov/gc/office-general-counsel.*

The Small Business Administration (SBA) considers a business entity to be a small business, if, together with its affiliates, it employs less than a threshold number of workers specified in 13 CFR part 121. The size standards and codes are established by the 2017 North American Industry Classification System (NAICS). DHE manufacturers are classified under NAICS code 333414, ''Heating Equipment (except Warm Air Furnaces) Manufacturing.'' The SBA sets a threshold of 500 employees or fewer for an entity to be considered as a small business. DOE used available public information to identify potential small manufacturers of the covered product. DOE accessed the Compliance System Management System's (CCMS) Compliance Certification Database and the AHRI's certified product directory to create a list of companies that import or otherwise manufacture DHE covered by this proposal. Using these sources, DOE identified a total of five manufacturers of DHE. Of these manufacturers, four are potential small businesses. However, due to the nature of DOE's proposed rule, which generally updates the incorporations by reference to the latest version of applicable industry consensus standards (which saw no substantive changes to the relevant provisions) and makes a number of clarifications and minor modifications designed to reduce burden, the Department has tentatively determined that this proposed rule, if finalized, would not impose a significant burden on small manufacturers who produce this specific type of product.

More specifically, in this document, DOE proposes the following changes to the test procedure for unvented and vented heaters, as well as several associated changes to definitions at 10 CFR 430.2. First, to ensure consistent use and application of the test procedure, DOE proposes updates: To the definitions of ''floor electric heater,'' ''primary heater,'' ''unvented gas heater,'' ''unvented home heating equipment,'' ''unvented oil heater,'' ''vented home heating equipment,'' and ''vented room heater''; to update the terms ''primary heater'' and ''supplementary heater'' to ''primary electric heater'' and ''supplementary electric heater,'' respectively; to add the current oil pressure measurement error value to the test procedure; to explicitly state the regulator outlet pressure and specific gravity tolerances for the gas supply; and, to clarify the wording of the cyclic condensate collection test in the calculation of the allowable variance in condensate mass measurements. Second, to align with the most recent industry consensus standards, DOE proposes: To update the references to the industry consensus standards to the most recent versions; to clarify the required input rate for the cyclic condensate collection tests; and, to explicitly state the methods to appropriately shield thermocouples from radiation. Third, to ensure the representativeness of the test procedure, DOE proposes: To explicitly state the operational mode for testing vented heaters with multiple automatic operation modes; to allow for use of manufacturer-specified gas inlet pressure range when the required input rating cannot be reached; and, to reduce the number of thermocouples required for the thermocouple grid in models with small (2-inch diameter or less) flues from nine to five.

All proposed changes are either clarifications to ensure consistent use and application (which does not affect the results of the test procedure or how the test procedure is run) or amendments which ensure the representativeness of the test procedure as compared to products installed in the field. These amendments are all in line with the most recent industry consensus standards.

As stated, DOE has reviewed this proposed rule to amend the test procedures for DHE under the provisions of the Regulatory Flexibility Act and the procedures and policies published on February 19, 2003, and the Department has initially determined that if finalized as proposed, this rulemaking would not have any cost impact. Therefore, DOE initially concludes that the impacts of the test procedure amendments proposed in this NOPR would not have a ''significant economic impact on a substantial number of small entities,'' and that the preparation of an IRFA is not warranted. Accordingly, DOE will transmit the certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

C. Review Under the Paperwork Reduction Act of 1995

Manufacturers of DHE must certify to DOE that their products comply with any applicable energy conservation standards. To certify compliance, manufacturers must first obtain test data for their products according to the DOE test procedures, including any amendments adopted for those test procedures. DOE has established regulations for the certification and recordkeeping requirements for all covered consumer products and commercial equipment, including DHE. (*See generally* 10 CFR part 429.) The collection-of-information requirement for certification and recordkeeping is subject to review and approval by OMB under the Paperwork Reduction Act (PRA). This requirement has been approved by OMB under OMB control number 1910–1400. Public reporting burden for the certification is estimated to average 35 hours 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.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

D. Review Under the National Environmental Policy Act of 1969

DOE is analyzing this proposed regulation in accordance with the National Environmental Policy Act of

1969 (NEPA) and DOE's NEPA implementing regulations (10 CFR part 1021). DOE's regulations include a categorical exclusion for rulemakings interpreting or amending an existing rule or regulation that does not change the environmental effect of the rule or regulation being amended. 10 CFR part 1021, subpart D, appendix A5. DOE anticipates that this rulemaking qualifies for categorical exclusion A5 because it is an interpretive rulemaking that does not change the environmental effect of the rule and otherwise meets the requirements for application of a categorical exclusion. *See* 10 CFR 1021.410. DOE will complete its NEPA review before issuing the final rule.

E. Review Under Executive Order 13132

Executive Order 13132, ''Federalism,'' 64 FR 43255 (August 4, 1999), imposes certain requirements on agencies formulating and implementing policies or regulations that preempt State law or that have Federalism implications. The Executive Order requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The Executive Order also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have Federalism implications. On March 14, 2000, DOE published a statement of policy describing the intergovernmental consultation process it will follow in the development of such regulations. 65 FR 13735. DOE has examined this proposed rule and has determined that it would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. EPCA governs and prescribes Federal preemption of State regulations as to energy conservation for the products that are the subject of this proposed rule. States can petition DOE for exemption from such preemption to the extent, and based on criteria, set forth in EPCA. (42 U.S.C. 6297(d)) No further action is required by Executive Order 13132.

F. Review Under Executive Order 12988

Regarding the review of existing regulations and the promulgation of new regulations, section 3(a) of Executive Order 12988, ''Civil Justice Reform,'' 61 FR 4729 (Feb. 7, 1996), imposes on Federal agencies the general duty to adhere to the following requirements: (1) Eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; (3) provide a clear legal standard for affected conduct rather than a general standard, and (4) promote simplification and burden reduction. Section 3(b) of Executive Order 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) Clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms, and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of Executive Order 12988 requires Executive agencies to review regulations in light of applicable standards in sections 3(a) and 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. DOE has completed the required review and determined that, to the extent permitted by law, the proposed rule meets the relevant standards of Executive Order 12988.

G. Review Under the Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a proposed regulatory action likely to result in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of $100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. (2 U.S.C. 1532(a), (b)) The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a proposed ''significant intergovernmental mandate,'' and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect small governments. On March 18, 1997, DOE published a statement of policy on its process for intergovernmental consultation under UMRA. 62 FR 12820; also available at *http://energy.gov/gc/office-general-counsel.* DOE examined this proposed rule according to UMRA and its statement of policy and determined that the rule contains neither an intergovernmental mandate, nor a mandate that may result in the expenditure of $100 million or more in any year, so these requirements do not apply.

H. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This proposed rule would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

I. Review Under Executive Order 12630

DOE has determined, under Executive Order 12630, ''Governmental Actions and Interference with Constitutionally Protected Property Rights,'' 53 FR 8859 (March 18, 1988), that this regulation would not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

J. Review Under Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516 note) provides for agencies to review most disseminations of information to the public under guidelines established by each agency pursuant to general guidelines issued by OMB. OMB's guidelines were published at 67 FR 8452 (Feb. 22, 2002), and DOE's guidelines were published at 67 FR 62446 (Oct. 7, 2002). DOE has reviewed this proposed rule under the OMB and DOE guidelines and has concluded that it is consistent with applicable policies in those guidelines.

K. Review Under Executive Order 13211

Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,'' 66 FR 28355 (May 22, 2001), requires Federal agencies to prepare and submit to OMB, a Statement of Energy Effects for any proposed significant energy action. A ''significant energy action'' is defined as any action by an agency that

promulgated or is expected to lead to promulgation of a final rule, and that: (1) Is a significant regulatory action under Executive Order 12866, or any successor order; and (2) is likely to have a significant adverse effect on the supply, distribution, or use of energy; or (3) is designated by the Administrator of OIRA as a significant energy action. For any proposed significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use should the proposal be implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use.

The proposed regulatory action to amend the test procedure for measuring the energy efficiency of DHE is not a significant regulatory action under Executive Order 12866. Moreover, it would not have a significant adverse effect on the supply, distribution, or use of energy, nor has it been designated as a significant energy action by the Administrator of OIRA. Therefore, it is not a significant energy action, and, accordingly, DOE has not prepared a Statement of Energy Effects.

L. Review Under Section 32 of the Federal Energy Administration Act of 1974

Under section 301 of the Department of Energy Organization Act (Pub. L. 95–91; 42 U.S.C. 7101), DOE must comply with section 32 of the Federal Energy Administration Act of 1974, as amended by the Federal Energy Administration Authorization Act of 1977 (FEAA). (15 U.S.C. 788) Section 32 essentially provides in relevant part that, where a proposed rule authorizes or requires use of commercial standards, the notice of proposed rulemaking must inform the public of the use and background of such standards. In addition, section 32(c) requires DOE to consult with the Attorney General and the Chairman of the Federal Trade Commission (FTC) concerning the impact of the commercial or industry standards on competition.

The proposed amendments to the Federal test procedure for DHE are primarily in response to modifications to certain sections of the applicable industry consensus standards (*i.e.,* ASNI/ASHRAE 103–2017, ANSI Z21.86–2016, ASTM D2156–09 (2018), IEC 62301 (edition 2.0, 2011–01), UL 729–2016, UL 730–2016, and UL 897–2016). DOE has evaluated these standards and is unable to conclude whether they fully comply with the requirements of section 32(b) of the FEAA (*i.e.,* whether they were developed in a manner that fully provides for public participation, comment, and review.) DOE will consult with both the Attorney General and the Chairman of the FTC concerning the impact of these test procedures on competition, prior to prescribing a final rule.

M. Description of Materials Incorporated by Reference

In this NOPR, DOE proposes to incorporate by reference the following test standards:

(1) The test standard published by ANSI/ASHRAE, titled ''Method of Testing for Annual Fuel Utilization Efficiency of Residential Central Furnaces and Boilers,'' ANSI/ASHRAE 103–2017. ANSI/ASHRAE 103–2017 is an industry-accepted test procedure for determining the annual fuel utilization efficiency of consumer furnaces and boilers. Specifically, the test procedure amendments proposed by this NOPR reference sections of that industry consensus standard regarding test set-up for oil-fueled DHE (including instrumentation and measurement descriptions for oil burner adjustments), and instructions on calculating jacket losses in vented floor heaters and calculations for draft factors. Copies of ANSI/ASHRAE 103–2017 can be obtained from ASHRAE, 1791 Tullie Circle NE, Atlanta, GA 30329, (800) 527–4723 or (404) 636–8400, or online at: *http://www.ashrae.org.*

(2) The test standard published by ANSI, titled ''Vented Gas-fired Space Heating Appliances,'' ANSI Z21.86–2016. ANSI Z21.86 is an industry-accepted test procedure for vented gas-fired space heating appliances. Specifically, the test procedure amendments proposed by this NOPR reference sections of that industry consensus standard regarding the set-up specifications for vented wall DHE, instructions for gas usage other than natural gas or propane, instructions for measuring discharge temperatures of forced air, vented, wall DHE, and descriptions of thermocouple installation in gas-fueled, vented DHEs. Copies of ANSI Z21.86–2016 can be obtained from ANSI, 25 W 43rd Street, 4th Floor, New York, NY 10036, (212) 642–4900, or online at: *http://www.ansi.org.*

(3) The test standard published by ASTM, titled ''Standard Test Method for Smoke Density in Flue Gases from Burning Distillate Fuels,'' ASTM D2156–09 (2018). ASTM D2156 is an industry-accepted test procedure for measuring smoke density in flue gases from burning distillate fuels. Specifically, the test procedure amendments proposed by this NOPR reference sections of that industry consensus standard regarding providing smoke density levels which are measured during for the steady-state test. Copies of ASTM D2156–09 (2018) can be obtained from ASTM, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428–2959 or online at: *www.astm.org.*

(4) The test standard published by IEC, titled ''Household electrical appliances-Measurement of standby power,'' IEC 62301 (Edition 2.0, 2011–01). IEC 62301 is an industry-accepted test procedure for the measurement of standby power modes in household electrical appliances. Specifically, the test procedure amendments proposed by this NOPR reference sections of that industry consensus standard regarding measurment of electrical standby mode and off mode power consumption. Copies of IEC 62301 (Second Edition) can be obtained from the American National Standards Institute, 25 W 43rd Street, 4th Floor, New York, NY 10036, (212) 642–4900, or online at: *http://webstore.ansi.org.*

(5)–(7) The test standards published by UL: ''Standard for Safety for Oil-fired Floor Furnaces,'' ''Standard for Safety for Oil-fired Wall Furnaces,'' and ''Standard for Safety for Oil-burning Stoves,'' UL 729–2016, UL 730–2016, and UL 896–2016, respectively. UL 729, UL 730, UL 896 are industry-accepted test procedures for oil-fired floor furnaces, oil-fired wall furnaces, and oil-burning stoves respectively. Specifically, the test procedure amendments proposed by this NOPR reference sections of those industry consensus standards regarding vented floor and wall DHE test installation and instructions for flue and thermocouple installation for oil fueled, vented floor DHEs. Copies of UL 729–2016, UL 730–2016, and UL 896–2016 can be obtained from UL at 2600 NW Lake Rd., Camas, WA 98607–8542 or online at: *www.ul.com.*

V. Public Participation

A. Participation in the Webinar

The time and date of the webinar are listed in the **DATES** section at the beginning of this document. Webinar registration information, participant instructions, and information about the capabilities available to webinar participants will be published on DOE's website: *http://www1.eere.energy.gov/buildings/appliance_standards/product.aspx/productid/41.* Participants are responsible for ensuring their systems are compatible with the webinar software.

B. Procedure for Submitting Prepared General Statements for Distribution

Any person who has an interest in the topics addressed in this proposed rulemaking, or who is representative of a group or class of persons that has an interest in these issues, may request an opportunity to make an oral presentation at the webinar. Such persons may submit requests to speak by email to the Appliance and Equipment Standards Program, *ApplianceStandardsQuestions@ee.doe.gov*. Persons who wish to speak should include with their request a computer file in WordPerfect, Microsoft Word, PDF, or text (ASCII) file format that briefly describes the nature of their interest in this rulemaking and the topics they wish to discuss. Such persons should also provide a daytime telephone number where they can be reached.

Persons requesting to speak should briefly describe the nature of their interest in this rulemaking and provide a telephone number for contact. DOE requests persons selected to make an oral presentation to submit an advance copy of their statements at least two weeks before the webinar. At its discretion, DOE may permit persons who cannot supply an advance copy of their statement to participate, if those persons have made advance alternative arrangements with the Building Technologies Office. As necessary, requests to give an oral presentation should ask for such alternative arrangements.

C. Conduct of the Webinar

DOE will designate a DOE official to preside at the webinar and may also use a professional facilitator to aid discussion. The meeting will not be a judicial or evidentiary-type public hearing, but DOE will conduct it in accordance with section 336 of EPCA (42 U.S.C. 6306). A court reporter will be present to record the proceedings and prepare a transcript. DOE reserves the right to schedule the order of presentations and to establish the procedures governing the conduct of the webinar. There shall not be discussion of proprietary information, costs or prices, market share, or other commercial matters regulated by U.S. anti-trust laws. After the webinar and until the end of the comment period, interested parties may submit further comments on the proceedings and any aspect of the rulemaking.

The webinar will be conducted in an informal, conference style. DOE will present summaries of comments received before the webinar, allow time for prepared general statements by participants, and encourage all interested parties to share their views on issues affecting this rulemaking. Each participant will be allowed to make a general statement (within time limits determined by DOE), before the discussion of specific topics. DOE will permit, as time permits, other participants to comment briefly on any general statements.

At the end of all prepared statements on a topic, DOE will permit participants to clarify their statements briefly and comment on statements made by others. Participants should be prepared to answer questions by DOE and by other participants concerning these issues. DOE representatives may also ask questions of participants concerning other matters relevant to this rulemaking. The official conducting the webinar will accept additional comments or questions from those attending, as time permits. The presiding official will announce any further procedural rules or modification of the above procedures that may be needed for the proper conduct of the webinar.

A transcript of the webinar will be included in the docket, which can be viewed as described in the *Docket* section at the beginning of this NOPR. In addition, any person may buy a copy of the transcript from the transcribing reporter.

D. Submission of Comments

DOE will accept comments, data, and information regarding this proposed rule no later than the date provided in the **DATES** section at the beginning of this proposed rule. Interested parties may submit comments using any of the methods described in the **ADDRESSES** section at the beginning of this document.

Submitting comments via http://www.regulations.gov. The http://www.regulations.gov web page will require you to provide your name and contact information. Your contact information will be viewable to DOE Building Technologies staff only. Your contact information will not be publicly viewable except for your first and last names, organization name (if any), and submitter representative name (if any). If your comment is not processed properly because of technical difficulties, DOE will use this information to contact you. If DOE cannot read your comment due to technical difficulties and cannot contact you for clarification, DOE may not be able to consider your comment.

However, your contact information will be publicly viewable if you include it in the comment or in any documents attached to your comment. Any information that you do not want to be publicly viewable should not be included in your comment, nor in any document attached to your comment. Persons viewing comments will see only first and last names, organization names, correspondence containing comments, and any documents submitted with the comments.

Do not submit to *http://www.regulations.gov* information for which disclosure is restricted by statute, such as trade secrets and commercial or financial information (hereinafter referred to as Confidential Business Information (CBI)). Comments submitted through *http://www.regulations.gov* cannot be claimed as CBI. Comments received through the website will waive any CBI claims for the information submitted. For information on submitting CBI, see the Confidential Business Information section.

DOE processes submissions made through *http://www.regulations.gov* before posting. Normally, comments will be posted within a few days of being submitted. However, if large volumes of comments are being processed simultaneously, your comment may not be viewable for up to several weeks. Please keep the comment tracking number that *http://www.regulations.gov* provides after you have successfully uploaded your comment.

Submitting comments via email. Comments and documents submitted via email also will be posted to *http://www.regulations.gov.* If you do not want your personal contact information to be publicly viewable, do not include it in your comment or any accompanying documents. Instead, provide your contact information in a cover letter. Include your first and last names, email address, telephone number, and optional mailing address. The cover letter will not be publicly viewable as long as it does not include any comments.

Include contact information each time you submit comments, data, documents, and other information to DOE. No telefacsimiles (faxes) will be accepted.

Comments, data, and other information submitted to DOE electronically should be provided in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format. Provide documents that are not secured, written in English, and free of any defects or viruses. Documents should not contain special characters or any form of encryption, and, if possible,

they should carry the electronic signature of the author.

Campaign form letters. Please submit campaign form letters by the originating organization in batches of between 50 to 500 form letters per PDF or as one form letter with a list of supporters' names compiled into one or more PDFs. This reduces comment processing and posting time.

Confidential Business Information. Pursuant to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit via email two well-marked copies: One copy of the document marked ''confidential'' including all the information believed to be confidential, and one copy of the document marked ''non-confidential'' with the information believed to be confidential deleted. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

It is DOE's policy that all comments may be included in the public docket, without change and as received, including any personal information provided in the comments (except information deemed to be exempt from public disclosure).

E. Issues on Which DOE Seeks Comment

Although DOE welcomes comments on any aspect of this proposal, DOE is particularly interested in receiving comments and views of interested parties concerning the following issues:

(1) DOE requests comment on its proposed changes to the definitions for ''electric heater,'' ''primary heater,'' ''unvented gas heater,'' ''unvented home heating equipment,'' and ''unvented oil heater'' in 10 CFR 430.2, as well as on its proposed change in terminology from ''primary heater'' and ''supplementary heater'' to ''primary electric heater'' and ''supplementary electric heater,'' respectively.

(2) DOE requests comment on its proposed changes to the definitions for ''vented home heating equipment'' and ''vented room heater'' in 10 CFR 430.2. DOE also requests additional comment on the definitions for vented home heating equipment in section 1.0 of Appendix O, and on its tentative determination that no changes are necessary.

(3) DOE seeks comment on its proposal to incorporate by reference ANSI/ASHRAE 103–2017 with modifications. In particular, DOE is interested in receiving comment on its proposal to add the oil pressure measurement error value, which was omitted from ANSI/ASHRAE 103–2017, to Appendix O, and on its proposal to remove the mention of sections 8.8.3 and 9.10 within section 3.6.2.4.2 of Appendix O.

(4) DOE requests comment on its tentative determination to not include standby mode and off mode energy consumption into the annual energy consumption for unvented heaters.

(5) DOE requests comment on its proposal with regard to the automatic operational mode for testing models with multiple automatic operation modes. DOE requests data and information on the consumer use of different automatic operational modes when offered on a vented heater. DOE is interested in receiving comment on the characteristics of the mode recommended by manufacturers for normal operation, on how such mode is described in the manufacturer's installation and operations manual when provided, and on which models currently available on the market include multiple automatic operation modes.

(6) DOE requests comment on its proposals to allow a manufacturer-specified value for gas supply pressure if test conditions are not achievable at a gas supply pressure of 7 to 10 inches water column for natural gas or 11–13 inches water column for propane gas, to require the regulator outlet pressure be within the greater of ± 10 percent of the manufacturer-specified manifold pressure or ± 0.2 inches water column, to require the specific gravity of natural gas be between 0.57 and 0.70 and for propane gas be between 1.522 and 1.574, to remove the phrase ''normal'' from sections 2.3.1 and 2.3.2 of Appendix O, and to replace ''normal hourly Btu input rating'' with ''maximum hourly Btu input rating'' within section 2.4.2 of Appendix O.

(7) DOE seeks comment on its proposal to allow the use of five thermocouples, rather than nine thermocouples, in vented heaters with a vent diameter of 2 inches or less.

(8) DOE requests comment on its proposal to specify input rate instructions for the cyclic condensate collection test.

(9) DOE requests comment on its proposed rewording of the variance condition between cycles to clarify that the standard deviation must be less than or equal to 20 percent of the mean, for determining whether the cyclic condensate mass collection must be performed for three cycles or six cycles.

(10) DOE requests comment its proposed changes to the radiation shielding requirements within sections 2.6.1, 2.6.2, and 2.9 of Appendix O. In particular, DOE seeks information as to what methods are currently being used to determine whether a thermocouple would require a radiation shield and also what types of materials are currently used as radiation shields.

(11) DOE seeks additional comment and data on whether the DHE test method affects DHE utility or performance, specifically including whether there are impacts on features such as air circulation and space humidification.

(12) DOE requests comment on the benefits and burdens of the proposed updates and additions to industry standards referenced in the test procedures for DHE.

VI. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this proposed rule.

List of Subjects in 10 CFR Part 430

Administrative practice and procedure, Confidential business information, Energy conservation, Household appliances, Imports, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements, Small businesses.

Signing Authority

This document of the Department of Energy was signed on April 2, 2021, by Kelly Speakes-Backman, Principal Deputy Assistant Secretary and Acting Assistant Secretary for Energy Efficiency and Renewable Energy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on April 2, 2021.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

For the reasons stated in the preamble, DOE is proposing to amend part 430 of Chapter II of Title 10, Code of Federal Regulations as set forth below:

PART 430—ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS

■ 1. The authority citation for part 430 continues to read as follows:

Authority: 42 U.S.C. 6291–6309; 28 U.S.C. 2461 note.

■ 2. Section 430.2 is amended by revising the definitions of ''Electric heater,'' ''Floor electric heater,'' ''Primary heater,'' ''Supplementary heater,'' ''Unvented gas heater,'' ''Unvented home heating equipment or unvented heater,'' ''Unvented oil heater,'' ''Vented home heating equipment or vented heater,'' and ''Vented room heater'' to read as follows:

§ 430.2 Definitions.

* * * * *

Electric heater means an electric appliance which is a class of unvented home heating equipment in which heat is generated from electrical energy and dissipated by convection and radiation and includes baseboard electric heaters, ceiling electric heaters, floor electric heaters, portable electric heaters, and wall electric heaters.

* * * * *

Floor electric heater means an electric heater which is intended to be recessed in a floor, and which transfers heat by radiation and/or convection (either natural or forced).

* * * * *

Primary electric heater means an electric heater that is the principal source of heat for a structure and includes baseboard electric heaters, ceiling electric heaters, floor electric heaters, and wall electric heaters.

* * * * *

Supplementary electric heater means an electric heater that provides heat to a space in addition to that which is supplied by a primary electric heater and includes portable electric heaters.

* * * * *

Unvented gas heater means a class of unvented home heating equipment which is a self-contained, free-standing, nonrecessed gas-burning appliance that furnishes heated air by gravity or fan circulation.

Unvented home heating equipment or unvented heater means a class of home heating equipment, not including furnaces, designed to furnish heated air to a space proximate to such heater, directly from the heater, without inlet duct connections and without exhaust venting, and includes: Electric heater, unvented gas heater, and unvented oil heater.

Unvented oil heater means a class of unvented home heating equipment which is a self-contained, free-standing, nonrecessed oil-burning appliance that furnishes heated air by gravity or fan circulation.

* * * * *

Vented home heating equipment or vented heater means a class of home heating equipment, not including furnaces, designed to furnish heated air to a space proximate to such heater, directly from the heater, without inlet duct connections (except that boots not to exceed 10 inches beyond the casing may be permitted), and with exhaust venting, and includes: Vented wall furnace, vented floor furnace, and vented room heater.

Vented room heater means a self-contained, free standing, nonrecessed, vented heater for furnishing heated air to the space in which it is installed. The vented room heater supplies heated air circulated by gravity or by a fan directly into the space to be heated through openings in the casing.

* * * * *

■ 3. Section 430.3 is amended by:
■ a. Revising paragraphs (e)(25) and (g)(12);
■ b. Redesignating paragraphs (g)(13) and (14) as (g)(14) and (15), respectively;
■ c. Adding new paragraph (g)(13);
■ d. Revising paragraph (j)(1) and adding paragraph (j)(3); and
■ e. Revising paragraphs (v)(1) through (3).

The revisions and additions read as follows:

§ 430.3 Materials incorporated by reference.

* * * * *

(e) * * *

(25) ANSI Z21.86–2016, (''ANSI Z21.86–2016''), Vented Gas-Fired Space Heating Appliances, Sixth Edition, approved December 21, 2016, IBR approved for appendix O to subpart B.

* * * * *

(g) * * *

(12) ANSI/ASHRAE Standard 103–2007, (''ASHRAE 103–2007''), Method of Testing for Annual Fuel Utilization Efficiency of Residential Central Furnaces and Boilers, ANSI approved March 25, 2008, IBR approved for appendix AA to subpart B.

(13) ANSI/ASHRAE Standard 103–2017, (''ASHRAE 103–2017''), Method of Testing for Annual Fuel Utilization Efficiency of Residential Central Furnaces and Boilers, ANSI approved July 3, 2017, IBR approved for appendix O to subpart B.

* * * * *

(j) * * *

(1) ASTM D2156–09, (''ASTM D2156''), Standard Test Method for Smoke Density in Flue Gases from Burning Distillate Fuels, ASTM approved December 1, 2009, IBR approved for appendix E to subpart B.

* * * * *

(3) ASTM D2156–09 (Reapproved 2018) (''ASTM D2156–09 (RA 2018)''), Standard Test Method for Smoke Density in Flue Gases from Burning Distillate Fuels, approved October 1, 2018, IBR approved for appendix O to subpart B.

* * * * *

(v) * * *

(1) UL 729–2003 (''UL 729–2003 (RA 2016)''), Standard for Safety for Oil-Fired Floor Furnaces, Sixth Edition, dated August 29, 2003, including revisions through November 22, 2016, IBR approved for appendix O to subpart B.

(2) UL 730–2003 (''UL 730–2003 (RA 2016)''), Standard for Safety for Oil-Fired Wall Furnaces, Fifth Edition, dated August 29, 2003, including revisions through November 22, 2016, IBR approved for appendix O to subpart B.

(3) UL 896–1993 (''UL 896–1993 (RA 2016)''), Standard for Safety for Oil-Burning Stoves, Fifth Edition, dated July 29, 1993, including revisions through November 22, 2016, IBR approved for appendix O to subpart B.

■ 4. Appendix O to subpart B of part 430 is amended by:
■ a. Revising the introductory note;
■ b. Adding section 0; and
■ c. Revising sections 2.0, 3.1.2, 3.2, 3.6.2.4.2, and 3.8.2;

The additions and revisions read as follows:

Appendix O to Subpart B of Part 430—Uniform Test Method for Measuring the Energy Consumption of Vented Home Heating Equipment

Note: Prior to [*DATE 180 DAYS AFTER PUBLICATION OF THE FINAL RULE IN THE* ***Federal Register***], representations with respect to the energy use or efficiency of vented home heating equipment, including compliance certifications, must be based on testing conducted in accordance with either this appendix as it now appears or appendix O as it appeared at 10 CFR part 430, subpart B revised as of January 1, 2019.

On and after [*DATE 180 DAYS AFTER DATE OF PUBLICATION OF THE FINAL RULE IN THE* ***Federal Register***], representations with respect to energy use or efficiency of vented home heating equipment, including compliance certifications, must be based on testing conducted in accordance with this appendix.

0. Incorporated by Reference

DOE incorporated by reference in § 430.3: ANSI Z21.86–2016; ASHRAE Standard 103–

2017; ASTM D2156–09 (2018); IEC 62301; UL 729–2003 (RA 2016); UL 730–2003 (RA 2016); and UL 896–1993– (RA 2016) in their entirety. However, only enumerated provisions of ANSI Z21.86–2016; ASHRAE 103–2017, UL 729–2003 (RA 2016), UL 730–2003 (RA 2016); and UL 896–1993 (RA 2016) are applicable to this appendix, as follows:

(1) ANSI Z21.86–2016
  (i) Section 5.2—Test gases
  (ii) Section 9.1.3
  (iii) Section 11.1.3
  (iv) Section 11.7—Temperature at discharge air opening and surface temperatures
(2) ASHRAE 103–2017
  (i) Section 6—INSTRUMENTS
  (ii) Section 8.2.2.3.1—Oil Supply
  (iii) Section 8.6—Jacket Loss Measurement
  (iv) Section 8.8.3—Additional Optional Method of Testing for Determining D_P and D_F for Furnaces and Boilers
  (v) Section 9.10—Optional Test Procedures for Condensing Furnaces and Boilers that Have no OFF-Period Flue Losses
(3) UL 729–2003 (RA 2016)
  (i) Section 38.1—Enclosure
  (ii) Section 38.2—Chimney connector
(4) UL 730–2003 (RA 2016)
  (i) Section 36.1—Enclosure
  (ii) Section 36.2—Chimney connector
  (iii) Sections 37.5.8 through 37.5.18
(5) UL 896–1993 (RA 2016)
  (i) Section 37.1.2
  (ii) Section 37.1.3

* * * * *

2.0 Testing conditions.

2.1 *Installation of test unit.*

2.1.1 *Vented wall furnaces (including direct vent systems).* Install non-direct vent gas fueled vented wall furnaces as specified in section 11.1.3 of ANSI Z21.86–2016 (incorporated by reference, see § 430.3). Install direct vent gas fueled vented wall furnaces as specified in section 9.1.3 of ANSI Z21.86–2016 (incorporated by reference, see § 430.3). Install oil-fueled vented wall furnaces as specified in section 36.1 of UL 730–2016 (incorporated by reference, see § 430.3).

2.1.2 *Vented floor furnaces.* Install vented floor furnaces for test as specified in section 38.1 of UL 729–2003 (RA 2016) (incorporated by reference, see § 430.3).

2.1.3 *Vented room heaters.* Install vented room heaters for test in accordance with the manufacturer's installation and operations (I&O) manual provided with the unit.

2.2 *Flue and stack requirements.*

2.2.1 *Gas fueled vented home heating equipment employing integral draft diverters and draft hoods (excluding direct vent systems).* Attach to, and vertically above the outlet of gas-fueled vented home heating equipment employing draft diverters or draft hoods with vertically discharging outlets, a five (5) foot long test stack having a cross-sectional area the same size as the draft diverter outlet.

Attach to the outlet of vented heaters having a horizontally discharging draft diverter or draft hood outlet a 90 degree elbow, and a five (5) foot long vertical test stack. A horizontal section of pipe may be used on the floor furnace between the diverter and the elbow, if necessary, to clear any framing used in the installation. Use the minimum length of pipe possible for this section. Use stack, elbow, and horizontal section with same cross-sectional area as the diverter outlet.

2.2.2 *Oil-fueled vented home heating equipment (excluding direct vent systems).* Use flue connections for oil-fueled vented floor furnaces as specified in section 38.2 of UL 729–2003 (RA 2016), sections 36.2 of UL 730–2003 (RA 2016) for oil-fueled vented wall furnaces, and sections 37.1.2 and 37.1.3 of UL 896–1993 (RA 2016) (all incorporated by reference, see § 430.3) for oil-fueled vented room heaters.

2.2.3 *Direct vent systems.* Have the exhaust/air intake system supplied by the manufacturer in place during all tests. Test units intended for installation with a variety of vent pipe lengths with the minimum length recommended by the manufacturer in the I&O manual. Do not connect a heater employing a direct vent system to a chimney or induced draft source. Vent the gas solely on the provision for venting incorporated in the heater and the vent/air intake system supplied with it.

2.2.4 *Condensing vented heater, additional flue requirements.* The flue pipe installation must not allow condensate formed in the flue pipe to flow back into the unit. An initial downward slope from the unit's exit, an offset with a drip leg, annular collection rings, or drain holes must be included in the flue pipe installation without disturbing normal flue gas flow. Flue gases should not flow out of the drain with the condensate. For condensing vented heaters that do not include means for collection of condensate, a means to collect condensate must be supplied by the test lab for the purposes of testing.

2.3 *Fuel supply.*

2.3.1 *Natural gas.* For a gas-fueled vented heater, maintain the gas supply to the unit under test at an inlet test pressure immediately ahead of all controls at 7 to 10 inches water column. If the heater is equipped with a gas appliance pressure regulator, maintain the regulator outlet pressure within the greater of ±10 percent of the manufacturer's specified manifold pressure on the nameplate of the unit or in the I&O manual or ±0.2 inches water column. Use natural gas having a specific gravity between 0.57 and 0.70 and a higher heating value within ±5 percent of 1,025 Btus per standard cubic foot. Determine the actual higher heating value in Btu's per standard cubic foot for the natural gas to be used in the test with an error no greater than one percent. If the burner cannot be adjusted to obtain a heat input rate of within ±2 percent of the hourly Btu rating specified by the manufacturer on the nameplate of the unit or in the I&O manual, as required by section 2.4.1, the gas supply to the unit under test at an inlet test pressure immediately ahead of all controls may be set to any value within the range specified on the nameplate of the unit or in the I&O manual.

2.3.2 *Propane gas.* For a propane-gas-fueled vented heater, maintain the gas supply to the unit under test at an inlet pressure of 11 to 13 inches water column. If the heater is equipped with a gas appliance pressure regulator, maintain the regulator outlet pressure within the greater of ± 10 percent of the manufacturer's specified manifold pressure on the nameplate of the unit or in the I&O manual or ± 0.2 inches water column . Use propane having a specific gravity between 1.522 and 1.574 and a higher heating value within ±5 percent of 2,500 Btus per standard cubic foot. Determine the actual higher heating value in Btu's per standard cubic foot for the propane to be used in the test. If the burner cannot be adjusted to obtain a heat input rate of within ± 2 percent of the hourly Btu rating specified by the manufacturer on the nameplate of the unit or in the I&O manual, as required by section 2.4.1, the gas supply to the unit under test at an inlet test pressure immediately ahead of all controls may be set to any value within the range specified on the nameplate of the unit or in the I&O manual.

2.3.3 *Other test gas.* For vented heaters fueled by other test gases, use test gases with characteristics as described in Table 3 of section 5.2 of ANSI Z21.86–2016 (incorporated by reference, see § 430.3). Use gases with a measured higher heating value within ±5 percent of the values specified in Table 3 of section 5.2 of ANSI Z21.86–2016. Determine the actual higher heating value of the gas used in the test with an error no greater than one percent.

2.3.4 *Oil supply.* For an oil-fueled vented heater, use No. 1 fuel oil (kerosene) for vaporizing-type burners and either No. 1 or No. 2 fuel oil, as specified by the manufacturer in the I&O manual provided with the unit, for mechanical atomizing type burners. Use test fuel conforming to the specifications given in Tables 2 and 3 of section 8.2.2.3.1 of ASHRAE 103–2017 (incorporated by reference, see § 430.3). Measure the higher heating value of the test fuel within ±1 percent.

2.3.5 *Electrical supply.* For auxiliary electric components of a vented heater, maintain the electrical supply to the test unit within ±1 percent of the nameplate voltage for the entire test cycle. If a voltage range is used for nameplate voltage, maintain the electrical supply within ±1 percent of the mid-point of the nameplate voltage range.

2.4 *Burner adjustments.*

2.4.1 *Gas burner adjustments.* Adjust the burners of gas-fueled vented heaters to their maximum Btu ratings at the test pressure specified in section 2.3 of this appendix. Correct the burner volumetric flow rate to 60 °F (15.6C) and 30 inches of mercury barometric pressure, set the fuel flow rate to obtain a heat rate of within ±2 percent of the hourly Btu rating specified by the manufacturer on the nameplate of the unit or the I&O manual as measured after 15 minutes of operation, starting with all parts of the vented heater at room temperature. Set the primary air shutters in accordance with the manufacturer's recommendations on the nameplate of the unit or the I&O manual to give a good flame at this adjustment. Do not allow the deposit of carbon during any test specified herein.

If a vent limiting means is provided on a gas pressure regulator, have it in place during all tests.

For gas-fueled heaters with modulating controls, adjust the controls to operate the

heater at the maximum fuel input rate. Set the thermostat control to the maximum setting. Start the heater by turning the safety control valve to the ''on'' position. In order to prevent modulation of the burner at maximum input, place the thermostat sensing element in a temperature control bath which is held at a temperature below the maximum set point temperature of the control.

For gas-fueled heaters with modulating controls, adjust the controls to operate the heater at the reduced fuel input rate. Set the thermostat control to the minimum setting. Start the heater by turning the safety control valve to the ''on'' position. If ambient test room temperature is above the lowest control set point temperature, initiate burner operation by placing the thermostat sensing element in a temperature control bath that is held at a temperature below the minimum set point temperature of the control.

2.4.2 *Oil burner adjustments.* Adjust the burners of oil-fueled vented heaters to give the CO_2 reading recommended by the manufacturer and an hourly Btu input, during the steady-state performance test described below, which is within ±2 percent of the heater manufacturer's specified hourly Btu input rating on the nameplate of the unit or in the I&O manual . On units employing a power burner, do not allow smoke in the flue to exceed a No. 1 smoke during the steady-state performance test as measured by the procedure in ASTM D2156–09 (RA 2018) (incorporated by reference, see § 430.3). If, on units employing a power burner, the smoke in the flue exceeds a No. 1 smoke during the steady-state test, readjust the burner to give a lower smoke reading, and, if necessary, a lower CO_2 reading, and start all tests over. Maintain the average draft over the fire and in the flue during the steady-state performance test at that recommended by the manufacturer within ±0.005 inches of water gauge. Do not make additional adjustments to the burner during the required series of performance tests. The instruments and measuring apparatus for this test are described in section 6 and shown in Figure 8 of ASHRAE 103–2017. Calibrate instruments for measuring oil pressure so that the error is no greater than ±0.5 psi.

2.5 *Circulating air adjustments.*

2.5.1 *Forced-air vented wall furnaces (including direct vent systems).* During testing, maintain the air flow through the heater as specified by the manufacturer in the I&O manual provided with the unit and operate the vented heater with the outlet air temperature between 80 °F and 130 °F above room temperature. If adjustable air discharge registers are provided, adjust them so as to provide the maximum possible air restriction. Measure air discharge temperature as specified in section 11.7.2 of ANSI Z21.86–2016.

2.5.2 *Fan-type vented room heaters and floor furnaces.* During tests on fan-type furnaces and heaters, adjust the air flow through the heater as specified by the manufacturer. If adjustable air discharge registers are provided, adjust them to provide the maximum possible air restriction.

2.6 *Location of temperature measuring instrumentation.*

2.6.1 *Gas-fueled vented home heating equipment (including direct vent systems).* Install thermocouples for measuring the heated air temperature as described in section 11.7.5 of ANSI Z21.86–2016. Establish the temperature of the inlet air by means of a single No. 24 AWG bead-type thermocouple located in the center of the plane of each inlet air opening. Use bead-type thermocouples having wire size not greater than No. 24 American Wire Gauge (AWG). If a thermocouple has a direct line of sight with the fire, install a radiation shield, meeting the material and minimum thickness requirements from section 8.14.1 of ANSI Z21.86–2016, on the fire side of the thermocouple only and position the shield so that it does not touch the thermocouple junction.

2.6.1.1 *Integral draft diverter.* For units employing an integral draft diverter, install nine thermocouples, wired in parallel, in a horizontal plane in the five foot test stack located one foot from the test stack inlet. Equalize the length of all thermocouple leads before paralleling. Locate one thermocouple in the center of the stack. Locate eight thermocouples along imaginary lines intersecting at right angles in this horizontal plane at points one third and two thirds of the distance between the center of the stack and the stack wall.

For units with a stack diameter 2 inches or less, five thermocouples may be installed instead of nine. Locate one thermocouple in the center of the stack. Locate four thermocouples along imaginary lines intersecting at right angles in this horizontal plane at points halfway between the center of the stack and the stack wall.

2.6.1.2 *Direct vent system.* For units which employ a direct vent system, locate at least one thermocouple at the center of each flue way exiting the heat exchanger. Provide radiation shields if the thermocouples are exposed to burner radiation.

2.6.1.3 *Draft hood or direct vent system which does not intentionally preheat incoming air.* For units which employ a draft hood or units which employ a direct vent system which does not intentionally preheat the incoming combustion air, such as a non-concentric direct vent system, install nine thermocouples, wired in parallel, in a horizontal plane located within 12 inches (304.8 mm) of the heater outlet and upstream of the draft hood on units so equipped. Locate one thermocouple in the center of the pipe and eight thermocouples along imaginary lines intersecting at right angles in this horizontal plane at points one third and two thirds of the distance between the center of the pipe and the pipe wall.

For units with a flue pipe diameter of 2 inches or less, five thermocouples may be installed instead of nine. Locate one thermocouple in the center of the pipe and four thermocouples along imaginary lines intersecting at right angles in this horizontal plane at points halfway between the center of the pipe and the pipe wall.

2.6.1.4 *Direct vent system which intentionally preheat incoming air.* For units which employ direct vent systems that intentionally preheat the incoming combustion air, such as a concentric direct vent system, install nine thermocouples, wired in parallel, in a plane parallel to and located within 6 inches (152.4 mm) of the vent/air intake terminal. Equalize the length of all thermocouple leads before paralleling. Locate one thermocouple in the center of the flue pipe and eight thermocouples along imaginary lines intersecting at right angles in this plane at points one third and two thirds of the distance between the center of the flue pipe and the pipe wall.

For units with a flue pipe diameter of 2 inches or less, five thermocouples may be installed instead of nine. Locate one thermocouple in the center of the flue pipe and four thermocouples along imaginary lines intersecting at right angles in this plane at points halfway between the center of the flue pipe and the pipe wall.

2.6.2 *Oil-fueled vented home heating equipment (including direct vent systems).* Install thermocouples for measuring the heated air temperature as described in sections 37.5.8 through 37.5.18 of UL 730–2003 (RA 2016) . Establish the temperature of the inlet air by means of a single No. 24 AWG bead-type thermocouple located in the center of the plane of each inlet air opening. Use bead-type thermocouples having a wire size not greater than No. 24 AWG. If there is a thermocouple that has a direct line of sight with the fire, install a radiation shield, meeting the material and minimum thickness requirements from section 8.14.1 of ANSI Z21.86–2016, on the fire side of the thermocouple only and position the shield so that it does not touch the thermocouple junction.

Install nine thermocouples, wired in parallel and having equal length leads, in a plane perpendicular to the axis of the flue pipe. Locate this plane at the position shown in Figure 36.4 of UL 730–2003 (RA 2016), or Figure 38.1 and 38.2 of UL 729–2003 (RA 2016) for a single thermocouple, except that on direct vent systems which intentionally preheat the incoming combustion air, locate this plane within 6 inches (152.5 mm) of the outlet of the vent/air intake terminal. Locate one thermocouple in the center of the flue pipe and eight thermocouples along imaginary lines intersecting at right angles in this plane at points one third and two thirds of the distance between the center of the pipe and pipe wall.

For units with a flue pipe diameter of 2 inches or less, five thermocouples may be installed instead of nine. Wire the thermocouples in parallel with equal length leads, in a plane perpendicular to the axis of the flue pipe. Locate this plane at the position shown in Figure 36.4 of UL 730–2003 (RA 2016), or Figure 38.1 and 38.2 of UL 729–2003 (RA 2016) for a single thermocouple, except that on direct vent systems which intentionally preheat the incoming combustion air, locate this plane within 6 inches (152.5 mm) of the outlet of the vent/air intake terminal. Locate one thermocouple in the center of the flue pipe and four thermocouples along imaginary lines intersecting at right angles in this plane at points halfway between the center of the pipe and pipe wall.

2.7 *Combustion measurement instrumentation.* Analyze the samples of

stack and flue gases for vented heaters to determine the concentration by volume of carbon dioxide present in the dry gas with instrumentation which will result in a reading having an accuracy of ±0.1 percentage point.

2.8 *Energy flow instrumentation.* Install one or more instruments, which measure the rate of gas flow or fuel oil supplied to the vented heater, and if appropriate, the electrical energy with an error no greater than one percent.

2.9 *Room ambient temperature.* The room ambient temperature shall be the arithmetic average temperature of the test area, determined by measurement with four No. 24 AWG bead-type thermocouples with junctions shielded against radiation using shielding meeting the material and minimum thickness requirements from section 8.14.1 of ANSI Z21.86–2016, located approximately at 90-degree positions on a circle circumscribing the heater or heater enclosure under test, in a horizontal plane approximately at the vertical midpoint of the appliance or test enclosure, and with the junctions approximately 24 inches from sides of the heater or test enclosure and located so as not to be affected by other than room air.

The value T_{RA} is the room ambient temperature measured at the last of the three successive readings taken 15 minutes apart described in section 3.1.1 or 3.1.2 as applicable. During the time period required to perform all the testing and measurement procedures specified in section 3.0 of this appendix, maintain the room ambient temperature within ±5 °F (±2.8 C) of the value T_{RA}. At no time during these tests shall the room ambient temperature exceed 100 °F (37.8 C) or fall below 65 °F (18.3 C).

Locate a thermocouple at each elevation of draft relief inlet opening and combustion air inlet opening at a distance of approximately 24 inches from the inlet openings. The temperature of the air for combustion and the air for draft relief shall not differ more than ±5 °F from the room ambient temperature as measured above at any point in time. This requirement for combustion air inlet temperature does not need to be met once the burner is shut off during the testing described in sections 3.3 and 3.6 of this appendix.

2.10 *Equipment used to measure mass flow rate in flue and stack.* The tracer gas chosen for this task should have a density which is less than or approximately equal to the density of air. Use a gas unreactive with the environment to be encountered. Using instrumentation of either the batch or continuous type, measure the concentration of tracer gas with an error no greater than 2 percent of the value of the concentration measured.

2.11 *Equipment with multiple control modes.*

2.11.1 For equipment that has both manual and automatic thermostat control modes, test the unit according to the procedure for its automatic control mode, *i.e.* single-stage, two-stage, or step-modulating.

2.11.2 For equipment that has multiple automatic thermostat control modes, test in the default mode (or similarly-named mode identified for normal operation) as defined by the manufacturer in its I&O manual. If a default mode is not defined in the I&O manual, test in the mode that the equipment operates in as shipped from the manufacturer.

* * * * *

3.1.2 *Oil-fueled vented home heating equipment (including direct vent systems).* Set up and adjust the vented heater as specified in sections 2.1, 2.2, and 2.3.4 of this appendix. Begin the steady-state performance test by operating the burner and the circulating air blower, on units so equipped, with the adjustments specified by sections 2.4.2 and 2.5 of this appendix, until steady-state conditions are attained as indicated by a temperature variation of not more than ±5 °F (2.8 C) in the flue gas temperature in three successive readings taken 15 minutes apart. The measurements described in this section are to coincide with the last of these 15 minutes readings.

For units equipped with power burners, do not allow smoke in the flue to exceed a No. 1 smoke during the steady-state performance test as measured by the procedure described in ASTM D2156–09 (RA 2018). Maintain the average draft over the fire and in the breeching during the steady-state performance test at that recommended by the manufacturer ±0.005 inches of water gauge.

Measure the room temperature (T_{RA}) as described in section 2.9 of this appendix. Measure the steady-state flue gas temperature ($T_{F,SS}$) using nine thermocouples located in the flue pipe as described in section 2.6.2 of this appendix. From the plane where $T_{F,SS}$ was measured, collect a sample of the flue gas and determine the concentration by volume of CO_2 (X_{CO2F}) present in dry flue gas. Measure and record the steady-state heat input rate (Q_{in}).

For manually controlled oil fueled vented heaters, determine the steady-state efficiency at a fuel input rate that is within ±5 percent of 50 percent of the maximum fuel input rate; or, if the design of the heater is such that the fuel input rate cannot be set to ±5 percent of 50 percent of the maximum rated fuel input rate, determine the steady-state efficiency at the minimum rated fuel input rate as measured in section 3.1.2 of this appendix for manually controlled oil fueled vented heaters.

* * * * *

3.2 *Jacket loss measurement.* Conduct a jacket loss test for vented floor furnaces. Measure the jacket loss (Lj) in accordance with ASHRAE 103–2017 section 8.6, applying the provisions for furnaces and not the provisions for boilers.

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3.6.2.4.2 If absolutely no smoke is drawn into the combustion air intake, the vented heater meets the requirements to allow use of the default draft factor of 0.05.

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3.8.2 *Cyclic condensate collection tests.* If existing controls do not allow for cyclical operation of the tested unit, install control devices to allow cyclical operation of the vented heater. Run three consecutive test cycles. For each cycle, operate the unit until flue gas temperatures at the end of each on-cycle, rounded to the nearest whole number, are within 5 °F of each other for two consecutive cycles. On-cycle and off-cycle times are 4 minutes and 13 minutes respectively. Control of ON and OFF operation actions shall be within ±6 seconds of the scheduled time. For fan-type vented heaters, maintain circulating air adjustments as specified in section 2.5 of this appendix. Begin condensate collection at one minute before the on-cycle period of the first test cycle. Remove the container one minute before the end of each off-cycle period. Measure condensate mass for each test-cycle. The error associated with the mass measurement instruments shall not exceed ±0.5 percent of the quantity measured.

Record fuel input during the entire test period starting at the beginning of the on-time period of the first cycle to the beginning of the on-time period of the second cycle, from the beginning of the on-time period of the second cycle to the beginning of the on-time period of the third cycle, *etc.,* for each of the test cycles. Record fuel HHV, temperature, and pressure necessary for determining fuel energy input, Q_C. Determine the mass of condensate for each cycle, M_C, in pounds. If at the end of three cycles, the sample standard deviation is less than or equal to 20 percent of the mean value for three cycles, use total condensate collected in the three cycles as Mc; if not, continue collection for an additional three cycles and use the total condensate collected for the six cycles as M_C. Determine the fuel energy input, Q_C, during the three or six test cycles, expressed in Btu.

For units with step-modulating controls, conduct the cyclic condensate collection test at reduced input rate only. For units with two-stage controls, the cyclic condensate collection test is conducted at both maximum and reduced input rates unless the balance-point temperature (T_C) as determined in section 4.1.10 of this Appendix O is equal to or less than the typical outdoor design temperature of 5 °F (−5 °C), in which case test at reduced input rate only.

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[FR Doc. 2021–07137 Filed 4–15–21; 8:45 am]

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DEPARTMENT OF ENERGY

10 CFR Parts 429 and 431

[EERE–2020–BT–TP–0032]

Energy Conservation Program: Test Procedure for Commercial & Industrial Pumps

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Request for information.

SUMMARY: The U.S. Department of Energy (''DOE'') is undertaking the preliminary stages of a rulemaking to consider amendments to the test procedure for Commercial and Industrial Pumps (''pumps''). Through this request for information (''RFI''), DOE seeks data and information

regarding issues pertinent to whether amended test procedures would more accurately or fully comply with the requirement that the test procedure produces results that measure energy use during a representative average use cycle for the product without being unduly burdensome to conduct, or that reduce testing burden. DOE welcomes written comments from the public on any subject within the scope of this document (including topics not raised in this RFI), as well as the submission of data and other relevant information.

DATES: Written comments and information are requested and will be accepted on or before June 1, 2021.

ADDRESSES: Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at *http://www.regulations.gov.* Follow the instructions for submitting comments. Alternatively, interested persons may submit comments, identified by docket number EERE–2020–BT–TP–0032, by any of the following methods:

1. *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

2. *Email:* To *Pumps2020TP0032@ee.doe.gov.* Include docket number EERE–2020–BT–TP–0032 in the subject line of the message.

No telefacsimilies (''faxes'') will be accepted. For detailed instructions on submitting comments and additional information on this process, see section III of this document.

Although DOE has routinely accepted public comment submissions through a variety of mechanisms, including the Federal eRulemaking Portal, email, postal mail, or hand delivery/courier, the Department has found it necessary to make temporary modifications to the comment submission process in light of the ongoing Covid–19 pandemic. DOE is currently suspending receipt of public comments via postal mail and hand delivery/courier. If a commenter finds that this change poses an undue hardship, please contact Appliance Standards Program staff at (202) 586–1445 to discuss the need for alternative arrangements. Once the Covid–19 pandemic health emergency is resolved, DOE anticipates resuming all of its regular options for public comment submission, including postal mail and hand delivery/courier.

Docket: The docket for this activity, which includes **Federal Register** notices, comments, and other supporting documents/materials, is available for review at *http://www.regulations.gov.* All documents in the docket are listed in the *http://www.regulations.gov* index. However, some documents listed in the index, such as those containing information that is exempt from public disclosure, may not be publicly available.

The docket web page can be found at *https://beta.regulations.gov/docket/EERE-2020-BT-TP-0032.* The docket web page contains instructions on how to access all documents, including public comments, in the docket. See section III for information on how to submit comments through *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT:

Mr. Jeremy Dommu, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE–5B, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 586–9870. Email: *ApplianceStandardsQuestions@ee.doe.gov.*

Mr. Michael Kido, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: 202–586–8145. *Email: Michael.Kido@hq.doe.gov.*

For further information on how to submit a comment or review other public comments and the docket, contact the Appliance and Equipment Standards Program staff at (202) 287–1445 or by email: *ApplianceStandardsQuestions@ee.doe.gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

Commercial and industrial pumps (collectively, ''pumps'') are among the industrial equipment for which DOE is authorized to establish and amend test procedures and energy conservation standards. (42 U.S.C. 6311(1)(A)) DOE's test procedures for pumps are prescribed in title 10 of the Code of Federal Regulations (''CFR''), subpart Y of part 431. Relevant to this document, DOE has established a test procedure for pumps at 10 CFR 431.464 and appendix A to subpart Y of part 431 (''Appendix A''). The following sections discuss DOE's authority to establish and amend test procedures for pumps, as well as relevant background information regarding DOE's consideration of test procedures for this equipment.

A. Authority and Background

The Energy Policy and Conservation Act, as amended (''EPCA''),[1] authorizes DOE to regulate the energy efficiency of a number of consumer products and certain industrial equipment. (42 U.S.C. 6291–6317) Title III, Part C of EPCA,[2] added by the National Energy Conservation Policy Act, Public Law 95–619 (Nov. 9, 1978), Title IV, § 441(a) (42 U.S.C. 6311–6317 as codified), established the Energy Conservation Program for Certain Industrial Equipment, which sets forth a variety of provisions designed to improve industrial equipment energy efficiency. The equipment addressed under these provisions include pumps, the subject of this RFI. (42 U.S.C. 6311(1)(A))

The energy conservation program under EPCA consists essentially of four parts: (1) Testing, (2) labeling, (3) Federal energy conservation standards, and (4) certification and enforcement procedures. Relevant provisions of EPCA include definitions (42 U.S.C. 6311), test procedures (42 U.S.C. 6314), labeling provisions (42 U.S.C. 6315), energy conservation standards (42 U.S.C. 6313), and the authority to require information and reports from manufacturers (42 U.S.C. 6316).

Federal energy efficiency requirements for covered equipment established under EPCA generally supersede State laws and regulations concerning energy conservation testing, labeling, and standards. (42 U.S.C. 6316(a) and 42 U.S.C. 6316(b); 42 U.S.C. 6297). DOE may, however, grant waivers of Federal preemption for particular State laws or regulations, in accordance with the procedures and other provisions of EPCA. (42 U.S.C. 6316(b)(2)(D))

The Federal testing requirements consist of test procedures that manufacturers of covered equipment must use as the basis for: (1) Certifying

[1] All references to EPCA in this document refer to the statute as amended through the Energy Act of 2020, Public Law 116–260 (Dec. 27, 2020).

[2] For editorial reasons, upon codification in the U.S. Code, Part C was redesignated Part A–1.

to DOE that their equipment complies with the applicable energy conservation standards adopted pursuant to EPCA (42 U.S.C. 6316(a); 42 U.S.C. 6295(s)), and (2) making representations about the efficiency of that equipment (42 U.S.C. 6314(d)). Similarly, DOE must use these test procedures to determine whether the equipment complies with relevant standards promulgated under EPCA. (42 U.S.C. 6316(a); 42 U.S.C. 6295(s))

Under 42 U.S.C. 6314, EPCA sets forth the criteria and procedures DOE must follow when prescribing or amending test procedures for covered equipment. EPCA requires that any test procedures prescribed or amended under this section must be reasonably designed to produce test results that reflect the energy efficiency, energy use or estimated annual operating cost of a given type of covered equipment during a representative average use cycle and requires that test procedures not be unduly burdensome to conduct. (42 U.S.C. 6314(a)(2))

EPCA also requires that, at least once every 7 years, DOE review test procedures for all types of covered equipment, including pumps, to determine whether amended test procedures would more accurately or fully comply with the requirements that the test procedures be reasonably designed to produce test results that reflect energy efficiency, energy use, and estimated operating costs during a representative average use cycle and to not be unduly burdensome to conduct. (42 U.S.C. 6314(a)(1)) In addition, if the Secretary determines that a test procedure amendment is warranted, the Secretary must publish proposed test procedures in the **Federal Register**, and afford interested persons an opportunity (of not less than 45 days' duration) to present oral and written data, views, and arguments on the proposed test procedures. (42 U.S.C. 6314(b)). If DOE determines that test procedure revisions are not appropriate, DOE must publish its determination not to amend the test procedures. DOE is publishing this RFI to collect data and information to inform its decision in satisfaction of the 7-year review requirement specified in EPCA. (42 U.S.C. 6314(a)(1))

B. Rulemaking History

DOE's test procedure for determining pump energy efficiency was established in a final rule published on January 25, 2016. 81 FR 4086 (''January 2016 Final Rule'').[3] The January 2016 Final Rule established definitions for the terms ''pump,'' ''driver,''[4] and ''controls,''[5] and described several categories and configurations of pumps. The pumps test procedure currently incorporates by reference the Hydraulic Institute (''HI'') Standard 40.6–2014, ''Methods for Rotodynamic Pump Efficiency Testing'' (''HI 40.6–2014''), along with several modifications to that testing method related to measuring the hydraulic power, shaft power, and electric input power of pumps, inclusive of electric motors and any continuous or non-continuous controls.[6]

On September 28, 2020, DOE published an early assessment review RFI in which it sought data and information pertinent to whether amended test procedures would (1) more accurately or fully comply with the requirement that the test procedure produces results that measure energy use during a representative average use cycle for the equipment without being unduly burdensome to conduct, or (2) reduce testing burden. 85 FR 60734 (''September 2020 Early Assessment RFI''). DOE received comments in response to the September 2020 Early Assessment RFI from the interested parties listed in Table I.1. A parenthetical reference at the end of a comment quotation or paraphrase provides the location of the item in the public record.[7]

TABLE I.1—WRITTEN COMMENTS RECEIVED IN RESPONSE TO THE SEPTEMBER 2020 EARLY ASSESSMENT RFI

Organization(s)	Reference in this RFI	Organization type
California Investor-Owned Utilities	CA IOUs	Utility.
Grundfos Americas Corporation	Grundfos	Manufacturer.
Hydraulic Institute	HI	Trade Association.
National Electrical Manufacturers Association	NEMA	Trade Association.
Northwest Energy Efficiency Alliance	NEEA	Efficiency Organization.
People's Republic of China	PRC	Nation/Government.

Based on DOE's review of the test procedure for pumps and the comments received, DOE has determined it is appropriate to continue the test procedure rulemaking after the early assessment process. *See* 10 CFR 431.4; 10 CFR part 430 subpart C appendix A section 8(b). Specific comments are discussed in the sections that follow.

II. Request for Information

In the following sections, DOE has identified a variety of issues on which it seeks input to determine whether, and if so how, an amended test procedure for pumps would (1) more accurately or fully comply with the requirements in EPCA that test procedures be reasonably designed to produce test results which reflect energy use during a representative average use cycle, without being unduly burdensome to conduct, or (2) reduce testing burden. (42 U.S.C. 6314(a)(2))

Further, DOE issued an Early Assessment RFI (85 FR 60734) to seek more general information on whether its test procedures are reasonably designed, as required by EPCA, to produce results that measure the energy use or efficiency of equipment during a representative average use cycle or period of use. See also 84 FR 9721 (March 18, 2019) (RFI seeking public comment on the measurement of average use cycles or periods of use in DOE's test procedures). DOE seeks comment on this issue as it pertains to the test procedure for pumps.

[3] On March 23, 2016, DOE published a correction to the January 2016 Final Rule to correct the placement of the product-specific enforcement provisions related to pumps under 10 CFR 429.134 at paragraph (i). 81 FR 15426.

[4] A ''driver'' provides mechanical input to drive a bare pump directly or through the use of mechanical equipment. Electric motors, internal combustion engines, and gas/steam turbines are examples of drivers. (10 CFR 431.462)

[5] A ''control'' is used to operate a driver. (10 CFR 431.462)

[6] A ''continuous control'' is a control that adjusts the speed of the pump driver continuously over the driver operating speed range in response to incremental changes in the required pump flow, head, or power output. A ''non-continuous control'' is a control that adjusts the speed of a driver to one of a discrete number of non-continuous preset operating speeds, and does not respond to incremental reductions in the required pump flow, head, or power output. 10 CFR 431.462.

[7] The parenthetical reference provides a reference for information located in DOE's test procedure rulemaking docket. (Docket No. EERE–2020–BT–TP–0032, which is maintained at *http://www.regulations.gov/#!docketDetail;D=EERE-2020-BT-TP-0032*). The references are arranged as follows: (commenter name, comment docket ID number, page of that document).

As stated previously, DOE received multiple comments to the 2020 Early Assessment RFI. These comments are summarized in this RFI and DOE asks for additional information and comment on these issues. In addition, DOE notes that since publication of the January 2016 Final Rule, as well as the subsequent energy conservation standards final rule,[8] it has received inquiries from stakeholders related to implementation of and compliance with the regulatory requirements for pumps. This RFI discusses these issues and notes the additional information that would be needed if DOE decided to propose amending its current test procedure.

A. Pump and Related Component Definitions

This RFI covers pumps and relevant components of pumps, such as the ''bare pump'', ''mechanical equipment'', ''driver'', and ''control'', all of which are defined at 10 CFR 431.462.

Some manufacturers distribute kits of unassembled components that customers (including end users or distributors) may purchase and assemble into finished equipment that meets the definition of a pump or a bare pump (see additional discussion in section II.D.2 of this RFI). Manufacturers may also otherwise distribute various pump parts together in commerce.

Issue 1: DOE requests comment on the definitions of ''pump'' and its components and whether any of the terms should be amended, and if so, how the terms should be amended. In particular, DOE requests comment on whether the terms are sufficient to identify which equipment is subject to the test procedure and whether any test procedure amendments are required to ensure that all such equipment can be appropriately tested in accordance with the test procedure.

B. Applicable Scope for Test Procedure

The following sections address in detail various elements related to the scope of the test procedure. DOE seeks input regarding these elements to help determine what specific changes, if any, might be needed to improve the current test procedure's ability to determine pump energy efficiency in a manner consistent with the requirements set out in 42 U.S.C. 6314.

1. Pump Categories and Definitions

The current DOE test procedure for pumps applies only to certain rotodynamic pumps [9] that are defined as ''clean water pumps''. 10 CFR 431.462. Specifically, it applies to five categories of clean water pumps with specific characteristics. 10 CFR 431.464(a)(1). Pumps are further delineated into equipment classes based on nominal speed of rotation and operating mode (*i.e.,* constant load or variable load). 10 CFR 431.465.

The five categories of clean water pumps to which the test procedure applies are: End suction close-coupled (''ESCC''); end suction frame mounted/own bearings (''ESFM''); in-line (''IL''); radially split, multi-stage, vertical, in-line diffuser casing (''RSV''); and submersible turbine (''ST'') pumps. 10 CFR 431.464(a)(1)(i). DOE defines each of these five categories in 10 CFR 431.462.

Issue 2: DOE requests comment on whether DOE's five pump categories sufficiently represent the market and technology available for clean water pumps; whether these categories are sufficiently defined in order to ensure that the categories are mutually exclusive; or whether any of these categories or descriptions should be amended.

Definitions relevant to the pump categories listed above and applicable to this test procedure include ''close-coupled pump,'' ''end suction pump,'' ''mechanically-coupled pump,'' and ''single axis flow pump,'' See 10 CFR 431.462 (defining each of these terms).

Determining the applicability of the pump categories relies in part on the defined terms ''close-coupled pump'' and ''mechanically-coupled pump'' DOE defines a close-coupled pump as a pump having a motor shaft that also acts as the impeller shaft, while a mechanically-coupled pump is one that has its own impeller shaft and bearings separate from the motor shaft. (*Id.*) DOE is aware that certain pumps may have their own shaft, but with no bearings to support that shaft. Additionally, DOE notes that while its close-coupled pump definition describes a pump in which the motor shaft also serves as the pump shaft, the definition does not provide any detail on how the motor and pump shaft may be connected. DOE has observed that some manufacturers describe close-coupled pumps as using an adapter to mount the impeller directly to the motor shaft. The coupling type is the only differentiator between end suction close-coupled pumps, which are ''close-coupled pumps'', and end suction frame mounted/own bearings pumps, which are ''mechanically-coupled pumps''. In the January 2016 Final Rule, DOE noted that it intended for the equipment category definitions for ESFM and ESCC pumps to be mutually exclusive, to ensure that pumps that are close-coupled to the motor and have a single impeller and motor shaft would be part of the ESCC equipment category while all other end suction pumps that are mechanically-coupled to the motor and for which the bare pump and motor have separate shafts would be part of the ESFM equipment category. 81 FR 4096.

Issue 3: DOE requests comment on the definitions of ''close-coupled pump'' and ''mechanically-coupled pump'' and whether the terms should be revised to achieve the differentiation described above—and if so, how. DOE also requests comment on whether the terms themselves are specific enough to ensure that end suction close-coupled pumps and end suction frame mounted/own bearings pumps remain mutually exclusive. Specifically, DOE seeks information on whether there are pumps being sold in commerce that may not meet the ''close-coupled'' or ''mechanically-coupled'' definitions but would otherwise meet the definition for an ''end suction'' pump.

Determining the applicability of the pump categories also relies in part on the defined terms ''single axis flow pump'' and ''end suction pump.'' IL pumps are defined as single axis flow pumps, and ESCC pumps are defined as end suction pumps. The definition of single axis flow pump does not explicitly state whether the axis is defined by the suction opening to the volute [10] or the suction opening at the perimeter of the pump. A close-coupled pump can be designed with a tangential discharge volute (*i.e.,* a design in which the suction and discharge openings do not share a common axis).

Issue 4: DOE requests comment on how manufacturers are currently categorizing close-coupled pumps with tangential discharge volutes relative to the five pump categories defined at 10 CFR 431.464.

Issue 5: DOE requests comment on whether it should provide additional detail in the definitions of single-axis flow pumps and/or end suction pumps regarding tangential discharge volute configurations, or whether the existing

[8] See Docket EERE–2011–BT–STD–0031, at *https://www.regulations.gov/docket?D=EERE-2011-BT-STD-0031.*

[9] A rotodynamic pump is one in which energy is continuously imparted to the pumped fluid by means of a rotating impeller, propeller, or rotor. 10 CFR 431.462. This kind of pump (also known as a ''centrifugal pump'') is in contrast to a positive displacement pump, which has an expanding cavity on the suction side and a decreasing cavity on the discharge side that moves a constant volume of fluid for each cycle of operation.

[10] A volute may also be referred to as a ''housing'' or ''casing.''

definitions are sufficient to determine individual pump classifications.

2. Pump Characteristics

The applicable scope for the test procedure is limited to the five pump categories discussed previously, with flow rate, maximum head, design temperature range, motor type, bowl diameter, and speed additionally specified in 10 CFR 431.464(a)(1)(ii).

The applicable scope for the test procedure also excludes fire pumps, self-priming pumps, prime-assist pumps, magnet driven pumps, pumps for nuclear facilities, and pumps meeting certain military specifications. 10 CFR 431.464(a)(1)(iii).

In response to the September 2020 Early Assessment RFI, NEEA commented that while the test procedure scope covers a large portion of the U.S. commercial and industrial pump market, pumps with similar characteristics may be subject to the DOE test procedure and standards while some are not. NEEA stated that this may create market confusion and inconsistency in ratings (NEEA, No. 8 at p. 8). NEEA specifically highlighted small vertical inline pumps (''SVIL'') below 1 horsepower as recommended by DOE's Circulator Working Group,[11] pumps operating with motors at speeds different than 1800 rpm or 3600 rpm, and submersible turbine pumps with a bowl diameter greater than 6 inches as examples of pumps that DOE should consider including as part of an expanded scope. (*Id.*)

Issue 6: DOE seeks comment on the percentage of manufacturer pump models that fall within the scope of the current test procedure and those models that fall outside the scope of the procedure. DOE also seeks information regarding how manufacturers address this situation when communicating performance in catalogs and other related literature.

Issue 7: DOE requests shipment and market performance data for SVIL pumps below 1 horsepower (''hp''); pumps operating with motors at speeds different than 1800 rpm or 3600 rpm (*e.g.,* non-induction motors with a range of speed of rotation starting above 4,320 revolutions per minute, as further discussed in section II.C.3); submersible turbine pumps with a bowl diameter greater than 6 inches; and other pumps that are currently excluded from scope based on the pump characteristics provided at 10 CFR 431.464(a)(1)(ii) (*e.g.,* pumps designed to operate with greater than 4 pole induction motors) that should be considered for inclusion in the test procedure scope.

NEEA also supported the Circulator Working Group recommendation to adopt test procedures for Circulator Pumps (NEEA, No. 8 at p. 8). DOE notes that it may consider the testing of circulator pumps in a separate rulemaking. DOE also notes that the Circulator Working Group characterized SVIL pumps as potential substitutes for circulator pumps and recommended using the pumps test procedure to measure the performance of SVIL pumps, with necessary modifications made as determined by DOE (EERE–2016–BT–STD–0004–0058, recommendation #1B).

3. Inline Shaft and Cantilever Pumps

HI and the American Petroleum Institute (''API'') publish standards that include design criteria for different pump configurations. Section 2.1.3.4 of ANSI/HI[12] Standard 2.1–2.2, ''Rotodynamic Vertical Pumps of Radial, Mixed, and Axial Flow Types for Nomenclature and Definitions,'' describes vertically separate discharge sump pumps, a category of pump that includes line shaft (''VS4'') pumps and cantilever (''VS5'') pumps. Section 9.3 of API Standard 610, ''Centrifugal Pumps for Petroleum, Petrochemical, and Natural Gas Industries'' [13] also provides a description of VS4 and VS5 pumps. Both VS4 and VS5 pumps are vertically suspended, volute pumps with a single casing and with a discharge column that is separate from the shaft column. The line shaft of a VS4 pump is supported by one or more bearings throughout the center column, while the line shaft of a VS5 pump is cantilevered and has no support bearing within the shaft column. The pump equipment categories defined by DOE do not explicitly reference VS4 or VS5 pumps, and some pumps may simultaneously fit the DOE definition of an ESFM pump and the API definition of a VS4 or VS5 pump. However, the scope of the current DOE test procedure includes only clean water pumps (see 10 CFR 431.464(a)(i)) and most VS4 and VS5 pumps are not designed for clean water. To the extent that a VS4 or VS5 pump is a ''clean water pump'' that meets the definition of ESFM and the other applicable criteria, it would be within the scope of equipment subject to DOE's Appendix A test procedure.

Issue 9: DOE requests comment on whether the test procedure should be amended to explicitly address line shaft pumps and cantilever pumps such as VS4 and VS5 pumps as described in the HI and API standards, and if so, how the definition should be amended.

4. Between-Bearing Pumps

Section 1.2.9.2 of ANSI/HI Standard 1.1–1.2, ''Rotodynamic Centrifugal Pumps for Nomenclature and Definitions'' and section 9.2 of API Standard 610 describe between-bearing (''BB'') pumps with bearings on both ends of the rotating assembly. ''BB1'' pumps are axially-split, one- or two-stage pumps that are mounted to a baseplate and driven by a motor via a flexible coupling. BB1 pumps are not explicitly excluded from the scope of coverage and the definition of IL pumps could be understood to include BB1 pumps. However, BB1 pumps are not typically designed for clean water (the scope of the current DOE test procedure includes only clean water pumps) and have horsepower ratings greater than the 200 hp limit of pumps currently within the scope of the DOE test procedure.

In addition, BB1 pumps do not have an ''overhung impeller.'' An ''overhung impeller'' generally is an impeller that is mounted on the end of a shaft and that is cantilevered or ''overhung'' from the bearing supports. Although not included in the definition of ''in-line pump,'' IL pumps that are single-stage generally have an overhung impeller.

Issue 10: DOE requests comment on whether any pumps that meet the description of BB1 pumps (as described in the HI and API standards) are designed for clean water use and are rated below 200 hp.

Issue 11: DOE requests comment on whether pumps that meet the description of BB1 pumps (as described in the HI and API standards) may be tested according to the DOE test procedure for pumps, or if special instructions or accommodations would be needed to test BB1 pumps.

C. Test Procedure

DOE specifies the constant load pump energy index (''PEI_{CL}'') as the test metric for pumps sold without continuous or non-continuous controls, and the variable load pump energy index (''PEI_{VL}'') as the test metric for pumps sold with continuous or non-continuous controls. 10 CFR 431.465. As noted, a ''continuous control'' is a control that adjusts the speed of the pump driver continuously over the driver operating speed range in response to incremental changes in the required pump flow, head, or power output. 10 CFR 431.462.

[11] See docket EERE–2013–BT–STD–0039, at *https://www.regulations.gov/docket?D=EERE-2013-BT-NOC-0039.*

[12] ''ANSI'' refers to American National Standards Institute.

[13] API standards are available for purchase from the API website at: *https://www.api.org/Standards/.*

A ''non-continuous control'' is a control that adjusts the speed of a driver to one of a discrete number of non-continuous preset operating speeds, and does not respond to incremental reductions in the required pump flow, head, or power output. *Id.*

Generally, the PEI metric is a ratio of the pump energy rating (''PER'') of the tested pump to the PER of a minimally compliant pump (''PER_{STD}''). The pump energy rating for constant load pumps (''PER_{CL}'') represents an average of driver power input at 75%, 100%, and 110% of flow at the best efficiency point (''BEP''),[14] in which the flows are achieved by varying the operating head to follow the pump performance curve. The pump energy rating for variable load pumps (''PER_{VL}'') represents an average of driver power input at 25, 50, 75, and 100 percent of flow at BEP, in which the flows are achieved by speed reduction to follow a specified system curve. As noted, BEP is defined as the pump hydraulic power operating point (consisting of both flow and head conditions) that results in the maximum efficiency. 10 CFR 431.462

1. Updates to Industry Test Standards

DOE's established practice is to adopt industry standards as DOE test procedures unless such methodology would be unduly burdensome to conduct or would not produce test results that reflect the energy efficiency, energy use, water use (as specified in EPCA) or estimated operating costs of that product during a representative average use cycle. 10 CFR 431.4; 10 CFR part 430 subpart C Appendix A section 8(c). In cases where the industry testing standard does not meet the EPCA statutory criteria for test procedures, DOE will make any necessary modifications to these testing standards through the rulemaking process when adopting them for inclusion into DOE's regulations.

DOE sought comment in the September 2020 Early Assessment RFI on whether another consensus-based test procedure could be adopted, with or without modification, and meet the criteria in EPCA related to representativeness and test burden (85 FR 60736–60737). HI noted that it was not aware of any consensus-based test procedures that could be adopted (HI, No. 6, p. 3). NEEA stated that it was not aware of any test procedure that would improve on the DOE test procedure and that they found DOE's test procedure to be the only one that satisfies the criteria in EPCA related to representativeness and test burden (NEEA, No. 8, p. 6).

a. HI Standard 40.6

DOE's test procedure for pumps generally incorporates HI 40.6–2014. 10 CFR 431.463. Since publication of the January 2016 Final Rule, the Hydraulics Institute updated HI 40.6–2014 with the publication of HI Standard 40.6–2016, ''Methods for Rotodynamic Pump Efficiency Testing'' (''HI 40.6–2016''), The 2016 update aligned the definitions and procedures described in HI Standard 40.6–2014 with the DOE test procedure for pumps published in the January 2016 Final Rule. HI 40.6–2016 revisions to HI 40.6–2014 are summarized below, with the referenced sections noted in parentheses:

- Clarified that the standard covers efficiency testing of rotodynamic pumps that are included in DOE regulations for energy conservation. (Section 40.6.1 ''Scope'')
- Updated the calculation of bare pump efficiency to match the current DOE test procedure requirements for plotting test data to determine the BEP rate of flow. (Section 40.6.6.3 ''Performance curve'')
- Updated the description and requirements of the pressure tap configuration for measurement sections at inlet and outlet of the pump. (Section A.3.1.3 ''Pressure taps'')
- Expanded the requirements for measurement of driver power input with power quality and measurement requirements that meet the requirements of the current DOE test procedure. (Section C.4.3 ''Electric power measurements,'' and section C.4.3.1 ''Additional requirements for measurement of driver power input to the motor and controls'')
- Added an informative appendix with examples regarding the determination of systematic uncertainty of the devices for measurement of required quantities on test. (Appendix G ''Determination, application, and calculation of instrument (systematic) uncertainty (informative)'')

DOE is aware that HI plans to publish another updated version of HI 40.6, ''Methods for Rotodynamic Pump Efficiency Testing'' (''HI 40.6–2021''). HI 40.6–2021 contains the following modifications to HI 40.6–2014, in addition to the HI 40.6–2016 changes listed previously:

- References ANSI/HI 14.1–14.2 ''Rotodynamic Pumps for Nomenclature and Definitions'' (''ANSI/HI 14.1–14.2'') which supersedes ANSI/HI 1.1–1.2–2014 ''American National Standard for Rotodynamic Centrifugal Pumps for Nomenclature and Definitions'' and ANSI/HI 2.1–2.2–2014 ''Rotodynamic Vertical Pumps of Radial, Mixed and Axial Flow Types for Nomenclature and Definitions''. (Section 40.6.4.1 ''Vertically suspended pumps''; Section 40.6.4.3 ''All other pump types'')
- Includes a new appendix (Appendix E) for the testing of circulator pumps. (Appendix E ''Testing Circulator Pumps'')

In the September 2020 Early Assessment RFI, DOE asked stakeholders to comment on the potential effect of incorporating HI 40.6–2016 by reference as the DOE test procedure for pumps. 85 FR 60734, 60737. Specifically, DOE requested information on whether the updates in HI 40.6–2016 impact the measured values, and if so, to what extent. *Id.* DOE also requested information on the impact of the updates in HI 40.6–2016 to the test burden and the representativeness of the test results. *Id.*

In response, Grundfos, NEEA, and HI urged DOE to incorporate by reference HI 40.6–2021 rather than HI 40.6–2016 (Grundfos, No. 7, p. 2; NEEA, No. 8, p. 6; HI, No. 6, p. 1). HI stated that HI 40.6–2016 included updates to match DOE's test procedure and did not impact measured values, burden or representativeness (HI, No. 6 at p. 3). Both HI and NEEA stated that HI 40.6–2021 further includes editorial revisions and adds circulator pump testing, that also would not impact measured values, burden, or representativeness. (HI, No. 6 at p. 3; NEEA, No. 8, p. 6) Grundfos agreed that HI 40.6–2021 does not affect overall implementation of the standard, but stated that if DOE decides not to incorporate HI 40.6–2021 by reference, then it should at least incorporate HI 40.6–2016 by reference (Grundfos, No. 7, p. 2). More generally, NEMA indicated that it would be unduly burdensome to require manufacturers to switch from using the current HI testing standard to a different method of testing and evaluation in light of the relatively short time that the current method has been in place. (NEMA, No. 4, p. 2).

Issue 12: DOE requests comments on whether it should adopt HI 40.6–2016 or HI 40.6–2021 as the DOE test procedure for pumps, and requests that stakeholders provide specific information as to why one version of HI 40.6 should be incorporated by reference over the other. DOE also seeks information on whether the incorporation by reference of HI 40.6–2016 or HI 40.6–2021 would impact measured values, and if so, by how much. Additionally, the current DOE test procedure currently incorporates by reference ANSI/HI 2.1–2.2–2014 which

[14] Best efficiency point (''BEP'') means the pump hydraulic power operating point (consisting of both flow and head conditions) that results in the maximum efficiency. 10 CFR 431.462.

was replaced by ANSI/HI 14.1–14.2. DOE seeks comment on ANSI/HI 14.1–14.2, referenced by HI 40.6–2021, including whether, and if so how, it would affect the scope of DOE's test procedures and energy consumption standards for commercial and industrial pumps.

b. IEC 61800–9–2:2017 and Other Industry Test Standards Related to Motor and Control Combinations

In the September 2020 Early Assessment RFI, DOE noted that while its test procedure for pumps incorporates by reference HI 40.6–2014, DOE also includes additional provisions related to measuring the hydraulic power, shaft power, and electric input power of pumps, inclusive of electric motors and any continuous or non-continuous controls. 85 FR 60734, 60737. Since publication of the January 2016 Final Rule, the International Electrotechnical Commission (''IEC'') published standard IEC 61800–9–2:2017 ''Adjustable speed electrical power drive systems—Part 9–2: Ecodesign for power drive systems, motor starters, power electronics and their driven applications—Energy efficiency indicators for power drive systems and motor starters,'' (''IEC 61800–9–2:2017'') which addresses test methods and reference losses for ''power drive systems'' (*i.e.,* motors and their associated controllers). Specifically, Annex A of IEC 61800–9–2:2017 describes reference losses for complete drive modules (*i.e.* controls) and power drive systems at different operating points comparable to the approach already presented in section VII.E.1.2 of Appendix A of that testing standard. DOE requested comments on whether it should consider substituting the model in Annex A of IEC 61800–9–2:2017 for the current calculations in section VII of Appendix A, or whether any considerations for updates should be postponed until the second edition of IEC 61800–9–2 is published. *Id.* A second edition of this standard is expected to be published in March 2022 to further address the test method and reference losses.[15]

In response to DOE's request for comment, the majority of commenters urged DOE to maintain the current test approach in section VII.E.1.2 of Appendix A. (Grundfos, No. 7, p. 2; NEEA, No. 8, p. 7; CA IOUs, No. 5, p. 4; HI, No. 6, p. 3; NEMA, No. 4, p. 2). Grundfos, NEEA, the Hydraulic Institute, and NEMA all asserted that substituting IEC 61800–9–2 for the current approach would add burden without achieving additional energy savings (Grundfos, No. 7, p. 2; NEEA, No. 8, p. 7;; HI, No. 6, p. 3; NEMA, No. 4, p. 2). However, NEMA stated that it is an active participant in efforts to revise IEC 61800–9–2 and that consideration of this standard may be warranted for future test procedure development for equipment classes not yet covered by DOE regulation (NEMA, No. 4, p. 2). The PRC requested that DOE consider incorporating IEC 61800–9–2 as a consensus-based standard to facilitate international trade (PRC, No. 3, p. 2). The CA IOUs stated that substituting IEC 61800–9–2 for the current approach would overstate motor losses. (CA IOUs, No. 5, p. 4)

Since publication of the January 2016 Final Rule, the Air Movement and Control Association (''AMCA'') published AMCA 207–17 ''Fan System Efficiency and Fan System Input Power Calculation'' (''AMCA 207–17'').[16] AMCA 207–17 provides default values and equations to calculate the performance of various motors and control combinations, including currently regulated motors and control combinations (*i.e.,* variable frequency drives (''VFD''), variable-speed drives, inverter drives). See AMCA 207–17 section 4.1.3.1, ''Regulated polyphase induction motors controlled by a VFD''.

In response to the September 2020 Early Assessment RFI, the CA IOUs suggested that DOE reconsider the combined VFD and motor loss equations created for section VII, ''Calculation-Based Approach for Pumps Sold With Motors and Controls,'' of Appendix A in favor of the methods in AMCA 207–17. (CA IOUs, No. 5, pp. 1–4). Specifically, the CA IOUs stated that the efficiency of a motor/control combination determined using the calculations in section VII of Appendix A showed more variation as a function of horsepower than values predicted by AMCA 207–17. (CA IOUs, No. 5, p. 2). The CA IOUs also stated that the full-load efficiency of the motor and control combination calculated using section VII of Appendix A led to lower efficiency values than those predicted by AMCA 207–17. (CA IOUs, No. 5, p. 3). The CA IOUs further commented that updating the calculations in section VII of Appendix A with relevant equations from AMCA 2017–17 should not require any repeat testing, but the change would impact the PEI calculation and might impact pump compliance with the pump energy conservation standards. (CA IOUs, No. 5, p. 4).

DOE notes that the calculations in section VII of Appendix A were developed during the 2015 Appliance Standards and Rulemaking Federal Advisory Committee (''ASRAC'') negotiations and were voted on by the members of the working group, including the CA IOUs (Docket EERE–2013–BT–NOC–0039–0092). As noted by the CA IOUs, the equations in section VII of Appendix A were considered the best available method of calculation at the time (CA IOUs, No. 5, p. 2).

Issue 13: DOE requests comment on the applicability of the VFD/motor efficiencies in AMCA 207–17 to pumps, and whether DOE should consider replacing the calculations in section VII of Appendix A with those in AMCA 207–17. DOE also requests comment on whether adoption of the AMCA 207–17 approach would be representative for pumps. Additionally, DOE requests comment on whether such a change would impact PEI ratings (and if so, how), manufacturer testing burden, or manufacturer pump designs.

c. ISO/ASME 14414

In response to DOE's September 2020 Early Assessment RFI, the PRC recommended that DOE incorporate by reference ISO/ASME 14414 ''Pumps System Energy Assessment'' (''ISO/ASME 14414'') in order to facilitate international trade (PRC, No. 3, p. 3). DOE understands that ISO/ASME 14414 (the most recent version of which was published in January 2019) provides a method for evaluating pump system energy consumption, including the effects of heat, noise and vibration on over-sizing of pump system components (*i.e.,* pumps, process components, and control valves), and provides methods for identifying and documenting opportunities for improvement in energy use.[17] Consequently, ISO/ASME 14414's scope appears to go beyond determining the representative energy use of individual bare pumps or pumps sold with motors and/or controls.

Issue 14: DOE requests comment on whether DOE should consider incorporating any aspect of ISO/ASME 14414 into its test procedure for pumps—and if so, which aspects and why.

2. Testing and Calculation Options

DOE's test procedure for pumps includes calculation-based and testing-based options that apply based on pump configuration (including style of motor and control) as distributed in commerce.

[15] See *https://webstore.iec.ch/publication/31527.*

[16] See *https://www.techstreet.com/amca/standards/amca-207-17?product_id=1949776.*

[17] A summary of ISO/ASME 14414–2019 is available at: *https://www.asme.org/codes-standards/find-codes-standards/iso-asme-14414-pump-system-energy-assessment.*

See Appendix A, Table 1. The calculation-based options rely on a bare pump test and are described in sections III, V, and VII of Appendix A. The testing-based options rely on a ''wire-to-water'' test and are prescribed in sections IV and VI of Appendix A. The calculation-based options may reduce test burden by allowing a manufacturer to test a sample of bare pumps and use that data to rate multiple pump configurations using calculation-based methods. Although testing-based methods require wire-to-water testing of individual pump configurations, they may allow manufacturers to more accurately represent pump, motor, or control performance if so desired. DOE's definition of a ''basic model'' for pumps provides additional options for reducing test burden within the parameters of Table 1 (see section II.D.1 of this RFI).

In the September 2020 Early Assessment RFI, DOE noted that its calculations of testing costs assumed that the majority of pump basic models would be certified based on the bare pump configuration and that subsequent ratings for the same bare pump sold with any number of applicable motors and continuous controls could be generated using the calculation-based approach. DOE also sought comment on whether any modifications to the test procedure could reduce test burden while still allowing for accurate determinations of energy use during a representative average use cycle. 85 FR 60734, 60736.

In response, HI stated that, based on a survey of HI members, industry testing costs significantly exceeded DOE's estimates, and that wire-to-water testing represented 20 percent of total industry testing (HI, No. 6, p. 2). Grundfos commented that approximately 45 percent of its testing was wire-to-water testing—specifically, for pumps sold with motors that can only operate when driven by an inverter (*i.e.,* inverter-only motors) (Grundfos, No. 7, p. 2). HI, Grundfos, NEEA, and NEMA stated that in order to reduce test burden, DOE should work with stakeholders to develop a calculation method for pumps sold with inverter-only motors (HI, No. 6 at p. 1–2; Grundfos No. 7 at p. 1; NEEA, No. 8 at pp. 5–6; NEMA, No. 4 at p. 2). The potential for development of a calculation-based method for pumps sold with inverter-only motors is further discussed in section II.C.3 of this RFI.

Grundfos, HI and NEEA further recommended that DOE make no additional changes to the test procedure that would require re-testing. HI commented that such changes would add industry burden and result in no additional energy savings, while NEEA added that the current test procedure provides a sufficiently accurate indicator of energy consumption (Grundfos, No. 7, p. 2; HI, No. 6 at p. 2; NEEA, No. 8 at p. 1).

Issue 15: In order to further assess opportunity for reducing burden, DOE requests additional information on how manufacturers are implementing Table 1 of Appendix A (aside from inverter-only motors). Specifically, DOE seeks comment on the extent to which pumps sold with multiple motor and control configurations are tested multiple times using testing-based methods; the extent to which pumps sold with single-phase motors are being rated as bare pumps (using a calculation-based approach) rather than by a testing-based approach; and the extent to which pumps sold with motors (other than inverter-only motors) are being tested with a calculation-based approach as opposed to a testing-based approach.

Issue 16: DOE requests comment on whether any revisions to Table 1 of Appendix A could be considered to maintain or improve the information derived from the test procedure while reducing burden with no impact on the PEI rating for currently regulated pumps.

3. Calculation Method for Inverter-Only Motors

This section addresses how DOE could consider amending the test procedure for pumps sold with inverter-only motors to reduce test burden.

Inverter-only motors are currently not subject to DOE's electric motor energy conservation standards, and as such, based on Table 1, currently require wire-to-water testing. As discussed in section II.C.2 of this RFI, commenters requested that DOE work with stakeholders to develop a calculation-based method for pumps sold with inverter-only motors. In addition, based on Table 1, pumps sold with inverter-only motors but without controls must use a testing-based approach resulting in a PEI_{CL} rating, rather than a PEI_{VL} rating. HI and Grundfos commented that a calculation method for pumps sold with inverter-only motors and without controls should allow for a PEI_{VL} rating in order to appropriately represent energy use to the consumer (HI, No. 6 at p. 2; Grundfos, No. 7 at p.1). HI and NEEA, noted that a calculation-based method resulting in a PEI_{VL} rating for inverter-only motors would help encourage the expanded use of this more efficient equipment. (HI, No. 6 at p. 2; NEEA, No. 8, p. 5).

In consideration of developing such a method, DOE is contemplating constructing a table (or tables) [18] similar to Table 2—''Default Nominal Full Load Submersible Motor Efficiency by Motor Horsepower and Pole,'' as well as a table (or tables) similar to Table 4—''Motor and Control Part Load Loss Factor Equation Coefficients for Section VII.E.1.2.2 of Appendix A.'' This strategy was suggested by NEEA, HI, and NEMA (NEEA, No. 8, p. 6; HI, No. 6, p. 2; NEMA, No. 4, p. 2). More generally, Grundfos recommended that DOE work with stakeholders to establish a calculation-based method for pumps with inverter-only motors. (Grundfos, No. 7, p. 1)

Issue 17: DOE requests information and feedback on the categories of motors for which DOE should consider allowing the use of a calculation-based method. Specifically, DOE requests information on the categories of inverter-only motors (*e.g.,* electronically commutated motors, permanent magnet alternative current motors (''PMACs''), or other AC induction motors) that should evaluate using a calculation-based method.

Issue 18: DOE requests feedback and comments on the general approach for including default values and equations to represent inverter-only motor performance. DOE requests data and information to support the development of default values for inverter-only motors (similar to the values developed for submersible motors in Table 2 of Appendix A) as well as equations that would represent the part-load efficiency or losses of these motors (similar to the equations developed for certain motor and drive combinations in Table 4 of Appendix A). To the extent DOE should consider a different approach, DOE requests information on the methodology it should consider and supporting data.

Issue 19: DOE requests information on the percentage of pumps sold with inverter-only motors without controls (and thus would be impacted by a change in rating from PEICL to PEIVL).

4. Representative Average Use Cycle

As previously discussed, in response to the September 2020 Early Assessment RFI, Grundfos, HI, and NEEA commented that the current test procedure produces results that sufficiently measure energy use during a representative average use cycle and recommended that DOE make no substantial changes to the current test approach (Grundfos, No. 7, p. 2; HI, No. 6, p. 2; NEEA, No. 8, pp. 1–2). However, the following sections discuss two

[18] The different categories of inverter-only motors may require separate models.

specific topics raised by stakeholders that may impact the representative average use cycle.

a. Load Profile

The current test procedure requires that constant load PER be determined using 75%, 100% and 110% of BEP flow, with each value multiplied by 0.33 and the results summed to determine PER_{CL} (See Appendix A, sections III.E, IV.E, V.E). Similarly, for variable load pumps, energy ratings are determined at 25%, 50%, 75%, and 100% of BEP flow with each point weighted by 0.25 and summed to obtain a value for PER_{VL} (See Appendix A, sections VI.E, VII.E).

In response to the September 2020 Early Assessment RFI, NEEA referenced its pumps database that was developed through the Regional Technical Forum [19] and suggested that DOE use the database to evaluate the impact of pump load profile on estimated energy savings (NEEA, No. 8, p. 3). In its comments, NEEA provided constant speed load profile data for pumps at 25%, 50%, 75%, 100%, 110% and greater than 110% of BEP flow, which indicate that real-world operating hours may be different than those assumed in the DOE test procedure (NEEA, No. 8, pp. 3–4). NEEA observed that while the data may be representative of load profiles in commercial application, they stated that modifying the load profile for either constant or variable load pumps would likely increase burden while having little impact on final PEI values. (NEEA, No. 8, pp. 4–5). NEEA recommended that DOE maintain the current load profiles in the test procedure (NEEA, No. 8, p. 5).

Issue 20: DOE seeks additional comment on the load profile distribution for constant and variable load pumps and the effect of the distribution on PEI value.

b. Nominal Speed

The scope of the test procedure is limited to pumps designed to operate with either a 2- or 4-pole induction motor or a non-induction motor with a speed of rotation operating range between 2,880 and 4,320 rpm and/or 1,440 and 2,160 rpm. 10 CFR 431.464(a)(1)(ii). Section I.C.1 of Appendix A specifies selection of nominal speed of rotation of either 1,800 or 3,600 rpm, depending on the number of poles of the motor or the operating range of non-induction motors.

In response to the 2020 Early Assessment RFI, the CA IOUs recommended that DOE evaluate whether rating pumps at nominal speeds higher than 3600 rpm, when paired with a variable-speed drive, would provide consumer value and be cost effective. (CA IOUs, No. 5 at p. 4) The CA IOUs stated that incorporating a higher nominal speed(s) in the test procedure would require retesting and urged DOE to consider if ratings for pumps at higher nominal speeds might be determined by calculation rather than wire-to-water testing. *Id.* NEEA also commented that the energy use of pumps capable of operating with motors at speeds higher than 3600 rpm, such as high-speed permanent magnet motors, may not be appropriately represented by the current DOE test procedure (NEEA, No. 8, p. 8–9).

DOE notes that pumps with speeds higher than 3600 rpm have historically made up a small percentage of the market, and DOE has had limited access to shipment and efficiency data for this equipment (See Docket No. EERE–2013–BT–NOC–0039–0060, at p. 4, which provides a summary of the fourth negotiated rulemaking working group meeting for commercial and industrial pumps held on March 26–27, 2014).

Issue 21: DOE requests comment on whether the nominal motor speeds of 1800 rpm and 3600 rpm used in the current DOE test procedure appropriately represent the operation and energy use of pumps that are capable of higher speeds. If these motor speeds are not representative, DOE requests comment on which speeds would be representative and whether a testing-based or calculation-based approach would provide more representative energy use values and the expected cost burden of each. Additionally, DOE requests test data at speeds other than the nominal speeds specified in the current test procedure in order to determine if a calculation-based method is appropriate.

5. Rounding and Represented Values

The DOE test procedure includes provisions for calculations and rounding in Section I.D.3 of Appendix A. Generally, all measured data must be normalized such that it represents performance at nominal speed of rotation in accordance with HI 40.6–2014, and all calculations must be carried out using raw measured values without rounding. See Appendix A, section I.D.3. PER is rounded to three significant digits and PEI is rounded to the hundredths place. *Id.* Explicit rounding directions are not provided for other parameters.

In addition, 10 CFR 429.59(a) includes requirements for determining the represented value of PEI based on a tested sample. DOE's certification requirements include reporting of other parameters that are derived from the test procedure, including pump total head in feet at BEP and nominal speed; volume per unit time (*i.e.,* flow rate) in gallons per minute at BEP and nominal speed; and calculated driver power input at each load point *i.e.,* corrected to nominal speed in horsepower. 10 CFR 429.59(b)(2).

DOE is considering whether to propose that these values be represented by the mean of the value for each tested unit in the sample, or whether there is a more appropriate approach. DOE is also considering specifying rounding requirements for these values in the test procedure (for a given tested unit) and/or in the requirements for determination of represented values (for a sample of tested units).

Issue 22: DOE requests comment on whether the test procedure should specify rounding requirements for parameters other than PER and PEI; and if so, what those rounding requirements should be.

Issue 23: DOE requests comment on whether it should specify an approach for determining represented values for parameters other than PEI, and if so, what approach should be established and why.

D. Other Test Procedure Topics

1. Basic Model

DOE's certification regulations for pumps at 10 CFR 429.59 require that manufacturers determine the represented value for each basic model through testing in accordance with the sampling provisions specified in that section. As applied to pumps, DOE defines the term ''basic model'' in 10 CFR 431.462.

Pump manufacturers may elect to group similar individual pump models within the same equipment class into the same basic model to reduce testing burden, provided all representations regarding the energy use of pumps within that basic model are identical and based on the most consumptive unit. 81 FR 4086, 4093. Accordingly, manufacturers may pair a given bare pump with several different motors (or motor and controls) and can include all combinations under the same basic model if the certification of energy use and all representations made by the manufacturer are based on the most consumptive bare pump/motor (or motor and controls) combination for each basic model and all individual

[19] The Regional Technical Forum (''RTF'') is a technical advisory committee to the Northwest Power and Conservation Council established to develop standards and evaluate energy efficiency savings. See *https://rtf.nwcouncil.org.*

models are in the same equipment class. *Id.*

In addition, clauses (1) and (2) of the basic model definition align the scope of the ''basic model'' definition for pumps with the requirements that testing be conducted at a certain number of stages for RSV and ST pumps and at full impeller diameter).[20] 10 CFR 431.462. Clause (3) of the definition addresses basic models inclusive of pump models for which the bare pump differs in number of stages or impeller diameter. (*Id.*) Specifically, variation in motor sizing (*i.e.,* variation in the horsepower rating of the paired motor as a result of different impeller trims or stages within a basic model) is not a basis for requiring units to be rated as unique basic models. However, variation in motor sizing may also be associated with variation in motor efficiency, which is a performance characteristic; typically, larger motors are more efficient than smaller motors.

In order to group pumps sold with motors into a single basic model, clause (3)(i) provides that for basic models inclusive of pump models for which the bare pump differs in number of stages or impeller diameter, each motor offered in a pump included in that basic model must have a full-load efficiency at the Federal minimum for NEMA Design B electric motors (10 CFR 431.25) or the same number of bands above the Federal minimum for each respective motor horsepower as described in Table 3 of Appendix A. (*Id.*) Clause (3)(ii) provides a similar allowance for submersible turbine pumps, where, in order to group pumps sold with motors into a single basic model, each motor offered in a pump included in that basic model must have a full load motor efficiency at the default nominal full load submersible motor efficiency shown in Table 2 of Appendix A, or the same number of bands above the default nominal full load submersible motor efficiency for each respective motor horsepower as described in Table 3 of Appendix A. (*Id.*)

Issue 24: DOE requests comment on how manufacturers are currently making use of the basic model grouping provisions when rating their pumps, and whether any general clarifications or modifications are needed.

DOE has received several inquiries related to application of the basic model definition to pumps sold with VFDs of varying phase, voltage, and/or efficiency; pumps sold with inverter-only motors such as PMAC motors; and pumps sold with both single-phase and polyphase motors.

For pumps sold with motors, when determining how to group models within a basic model, manufacturers must consider clause (3), which currently allows grouping of models based on the number of bands above ''nominal full load motor efficiency rated at the Federal minimum (see the current table for NEMA Design B electric motors at § 431.25)'', or for submersible turbine pumps, based on the number of bands above the default nominal full load submersible motor efficiency. DOE may consider inclusion of explicit language that applies this clause to pumps sold with specific kinds of motors, or to pumps sold with VFDs. For example, inverter-only motors may have a rated efficiency (*i.e.,* nameplate efficiency) that exceeds the Federal minimum for NEMA Design B electric motors (10 CFR 431.25) (based on hp, poles, and enclosure construction of that motor), as might certain single-phase motors subject to the energy efficiency standards in 10 CFR 431.446 and tested in accordance with 10 CFR 431.444.[21] In addition, as discussed in section II.C.3. of this RFI, stakeholders have recommended that DOE develop default nominal full load efficiency values for inverter-only motors, which could also provide a baseline for grouping pumps sold with those motors. (NEEA, No. 8, p. 6; Grundfos, No. 7, p. 1; HI, No. 6, p. 2; NEMA, No. 4, p. 2).

DOE notes that for motors not currently subject to the DOE test procedure for electric motors, it is not clear how manufacturers would determine the full-load efficiency of a given motor, or specifically, determine the number of bands above the Federal minimum or above the default efficiency. For inverter-only motors, DOE notes that IEC recently published an industry test procedure that provides test methods for measuring the efficiency of these motors: IEC 60034–2–3:2020, ''Rotating electrical machines—Part 2–3: Specific test methods for determining losses and efficiency of converter-fed AC motors'' (''IEC 60034'') and IEC 61800–9–2:2017 (discussed in section II.C.1.b of this RFI).

Issue 25: DOE requests comment on whether to amend clause (3) in the basic model definition for pumps to provide additional detail regarding pumps sold with inverter-only motors, single-phase motors, or other non-NEMA Design B electric motors.

Issue 26: DOE requests comment on which motor categories not currently subject to DOE's test procedure and standards are commonly combined with pumps, as well as their relative efficiency compared to regulated NEMA Design B electric motors, and which corresponding industry test procedure (if any) should be used to establish their ''rated'' efficiency.

Issue 27: DOE requests comment on how VFDs are typically paired with pumps and motors; for example, whether motors of various sizes are paired with the same VFD. DOE further requests comment on whether a pump manufacturer would know which VFD commonly paired with its pumps would result in the most consumptive rating.

DOE notes that in order to group pumps sold with both single-phase motors and pumps sold with polyphase motors into a single basic model, manufacturers would need to utilize a testing-based approach on the most consumptive configuration, as pumps sold with polyphase motors cannot be rated as bare pumps, and pumps sold with single-phase motors cannot be rated using a calculation-based approach (see Table 1 to Appendix A).

Issue 28: DOE requests comment on whether the allowed grouping under the same basic model for pumps sold with both single phase and polyphase motors requires more explicit direction in 10 CFR part 431.

2. Labeling Requirement

The test procedure for pumps provides the basis for the labeling requirement at 10 CFR 431.466. The following specific information must be included on the nameplate and in marketing materials: PEI_{CL} or PEI_{VL}, as applicable; bare pump model number; and if transferred directly to an end user, the impeller diameter. 10 CFR 431.466(a)(1)(i). The representations included on the nameplate and in marketing materials must be based on testing of the pump in accordance with Appendix A and the representation must fairly disclose the results of such testing. (*See* 42 U.S.C. 6314(d))

DOE is aware of certain situations in which the test procedure and labeling requirements do not explicitly address how the results of testing are to be included on the nameplate or in marketing materials. One example is a bare pump distributed as a pump kit that could be assembled as either an ESCC or ESFM pump. As required by Appendix A, this pump kit would be tested as a bare pump, if distributed

[20] ''Full impeller diameter'' means the maximum diameter impeller with which a given pump basic model is distributed in commerce. 10 CFR 431.462.

[21] DOE notes that this discussion is relevant only to the option in Table 1 to Appendix A to rate pumps sold with single-phase motors using a testing-based method. Per Table 1, manufacturers also have the option to rate pumps sold with single-phase motors as bare pumps, regardless of the single-phase motor's efficiency.

without a motor (see Table 1 to Appendix A). As part of the DOE test procedure, PER_{STD} is calculated based on the category and nominal speed of rotation of the tested pump. Appendix A, Sections I.C.1 and II.B. In this case, the pump kit would be ''tested'' twice, once using a calculation based on ESCC and once based on ESFM, and must be labeled with the most consumptive PEI relevant to the kit. Another example is that pumps distributed with motors (and rated as such in accordance with Table 1 to Appendix A) may be more appropriately labeled with the manufacturer's individual model number than with a bare pump model number.

An additional example would be a pump distributed in commerce with multiple stages—including different sized impellers in different stages. As required by Appendix A, this pump would be tested at full impeller diameter (*i.e.,* the maximum diameter impeller with which a given pump basic model is distributed in commerce). Appendix A, Section I.C. In this case manufacturers may include on the nameplate the largest impeller diameter only, as well as sufficient identifying information in the individual model number to identify inclusion of reduced impeller sizes.

Issue 29: DOE requests comment on whether the test procedure should explicitly specify how to determine the information required to be marked on a label in accordance with 10 CFR 431.466, and if so, how.

Issue 30: DOE requests comment on whether the term ''full impeller diameter'' should be modified to explicitly address pumps with multiple stages and varying impeller diameters, and if so, how.

3. Any Additional Information

In addition to the issues identified earlier in this document, DOE welcomes comment on any other aspect of the existing test procedures for pumps.

Issue 31: DOE requests comment on whether the existing test procedures limit a manufacturer's ability to provide additional features to consumers on pumps. DOE particularly seeks information on how the test procedures could be amended to reduce the cost of new or additional features and make it more likely that such features are included on pumps, while still meeting the requirements of EPCA.

Issue 32: DOE requests comments on any potential amendments to the existing test procedures that would address impacts on manufacturers, including small businesses.

Finally, DOE published an RFI on the emerging smart technology appliance and equipment market. 83 FR 46886 (Sep. 17, 2018) (''September 2018 RFI''). In that RFI, DOE sought information to better understand market trends and issues in the emerging market for consumer appliances and commercial equipment that incorporate smart technology. DOE's intent in issuing the RFI was to ensure that DOE did not inadvertently impede such innovation in fulfilling its statutory obligations in setting efficiency standards for covered products and equipment.

Issue 33: DOE seeks, as part of this RFI, comments, data and information on the issues presented in the September 2018 RFI as they may be applicable to pumps.

III. Submission of Comments

DOE invites all interested parties to submit in writing by the date under the **DATES** heading comments and information on matters addressed in this RFI and on other matters relevant to DOE's early assessment of whether more stringent energy conservation standards are not warranted for commercial and industrial pumps.

Submitting comments via http://www.regulations.gov. The *http://www.regulations.gov* web page will require you to provide your name and contact information. Your contact information will be viewable to DOE Building Technologies staff only. Your contact information will not be publicly viewable except for your first and last names, organization name (if any), and submitter representative name (if any). If your comment is not processed properly because of technical difficulties, DOE will use this information to contact you. If DOE cannot read your comment due to technical difficulties and cannot contact you for clarification, DOE may not be able to consider your comment.

However, your contact information will be publicly viewable if you include it in the comment or in any documents attached to your comment. Any information that you do not want to be publicly viewable should not be included in your comment, nor in any document attached to your comment. Following this instruction, persons viewing comments will see only first and last names, organization names, correspondence containing comments, and any documents submitted with the comments.

Do not submit to *http://www.regulations.gov* information for which disclosure is restricted by statute, such as trade secrets and commercial or financial information (hereinafter referred to as Confidential Business Information (''CBI'')). Comments submitted through *http://www.regulations.gov* cannot be claimed as CBI. Comments received through the website will waive any CBI claims for the information submitted. For information on submitting CBI, see the Confidential Business Information section.

DOE processes submissions made through *http://www.regulations.gov* before posting. Normally, comments will be posted within a few days of being submitted. However, if large volumes of comments are being processed simultaneously, your comment may not be viewable for up to several weeks. Please keep the comment tracking number that *http://www.regulations.gov* provides after you have successfully uploaded your comment.

Submitting comments via email. Comments and documents submitted via email will be posted to *http://www.regulations.gov*. If you do not want your personal contact information to be publicly viewable, do not include it in your comment or any accompanying documents. Instead, provide your contact information on a cover letter. Include your first and last names, email address, telephone number, and optional mailing address. The cover letter will not be publicly viewable as long as it does not include any comments.

Include contact information each time you submit comments, data, documents, and other information to DOE. Faxes will not be accepted.

Comments, data, and other information submitted to DOE electronically should be provided in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format. Provide documents that are not secured, written in English and free of any defects or viruses. Documents should not contain special characters or any form of encryption and, if possible, they should carry the electronic signature of the author.

Campaign form letters. Please submit campaign form letters by the originating organization in batches of between 50 to 500 form letters per PDF or as one form letter with a list of supporters' names compiled into one or more PDFs. This reduces comment processing and posting time.

Confidential Business Information. According to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit via email two well-marked copies: One copy of the

document marked confidential including all the information believed to be confidential, and one copy of the document marked ''non-confidential'' with the information believed to be confidential deleted. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

It is DOE's policy that all comments may be included in the public docket, without change and as received, including any personal information provided in the comments (except information deemed to be exempt from public disclosure).

DOE considers public participation to be a very important part of the process for developing test procedures and energy conservation standards. DOE actively encourages the participation and interaction of the public during the comment period in each stage of this process. Interactions with and between members of the public provide a balanced discussion of the issues and assist DOE in the process. Anyone who wishes to be added to the DOE mailing list to receive future notices and information about this process should contact Appliance and Equipment Standards Program staff at (202) 287–1445 or via email at *ApplianceStandardsQuestions@ee.doe.gov.*

Signing Authority

This document of the Department of Energy was signed on April 9, 2021, by Kelly Speakes-Backman, Principal Deputy Assistant Secretary and Acting Assistant Secretary for Energy Efficiency and Renewable Energy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on April 12, 2021.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2021–07701 Filed 4–15–21; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0303; Project Identifier MCAI–2020–01367–T]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Airbus SAS Model A350–941 and –1041 airplanes. This proposed AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. This proposed AD would require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations, as specified in two European Union Aviation Safety Agency (EASA) ADs, which are proposed for incorporation by reference. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by June 1, 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 that will be 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–2021–0303.

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–2021–0303; 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 NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2021–0303; Project Identifier MCAI–2020–01367–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend the proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted

comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Kathleen Arrigotti, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3218; email *kathleen.arrigotti@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2020–0211, dated October 5, 2020 (EASA AD 2020–0211); and EASA AD 2021–0026, dated January 20, 2021 (EASA AD 2021–0026) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for all Airbus SAS Model A350–941 and –1041 airplanes. EASA AD 2021–0026 refers to Airbus A350 Airworthiness Limitations Section (ALS) Part 4, Variation 5.1, dated July 22, 2020. Airplanes with an original airworthiness certificate or original export certificate of airworthiness issued after July 22, 2020, must comply with the airworthiness limitations specified as part of the approved type design and referenced on the type certificate data sheet; this AD therefore does not include those airplanes in the applicability.

The FAA issued AD 2019–20–01, Amendment 39–19754 (84 FR 55495, October 17, 2019) (AD 2019–20–01), to require, among other things, repetitive greasing of certain thrust reverser actuators (TRAs). For those TRAs identified as batch 02 in EASA AD 2018–0234R2, dated September 17, 2019 (which is required by AD 2019–20–01), the repetitive greasing task has since been incorporated into Airbus A350 Airworthiness Limitations Section (ALS), Part 4, Systems Equipment Maintenance Requirements (SEMR), Revision 05 Issue 02, dated June 25, 2020, which is specified in EASA 2020–0211. Accomplishing the actions in this proposed AD would therefore terminate the repetitive greasing of batch 02 TRAs required by paragraph (g) of AD 2019–20–01.

This proposed AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is proposing this AD to address hazardous or catastrophic airplane system failures. See the MCAI for additional background information.

Related Service Information Under 1 CFR Part 51

EASA AD 2020–0211 and EASA AD 2021–0026 describe new or more restrictive airworthiness limitations for airplane systems and safe life limits. These documents are distinct because they apply to different airplane configurations. 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 and Requirements of This Proposed AD

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 proposing this AD because the FAA has evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

Proposed AD Requirements

This proposed AD would require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations, which are specified in EASA AD 2020–0211 and EASA AD 2021–0026 described previously, as incorporated by reference. Any differences with EASA AD 2020–0211 or EASA AD 2021–0026 are identified as exceptions in the regulatory text of this AD.

This proposed AD would require revisions to certain operator maintenance documents to include new actions (*e.g.,* inspections). Compliance with these actions is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by this proposed AD, the operator may not be able to accomplish the actions described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval for an alternative method of compliance according to paragraph (k)(1) of this proposed AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA initially worked with Airbus and EASA to develop a process to use certain EASA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has since coordinated with other manufacturers and civil aviation authorities (CAAs) to use this process. As a result, EASA AD 2020–0211 and EASA AD 2021–0026 will be incorporated by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2020–0211 and EASA AD 2021–0026 in their entirety, through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in the EASA ADs 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 2020–0211 and EASA AD 2021–0026 that is required for compliance with EASA AD 2020–0211 or EASA AD 2021–0026 will be available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0303 after the FAA final rule is published.

Airworthiness Limitation ADs Using the New Process

The FAA's process of incorporating by reference MCAI ADs as the primary source of information for compliance with corresponding FAA ADs has been limited to certain MCAI ADs (primarily those with service bulletins as the primary source of information for accomplishing the actions required by the FAA AD). However, the FAA is now expanding the process to include MCAI ADs that require a change to airworthiness limitation documents, such as airworthiness limitation sections.

For these ADs that incorporate by reference an MCAI AD that changes airworthiness limitations, the FAA requirements are unchanged. Operators must revise the existing maintenance or inspection program, as applicable, to incorporate the information specified in the new airworthiness limitation

document. The airworthiness limitations must be followed according to 14 CFR 91.403(c) and 91.409(e).

The previous format of the airworthiness limitation ADs included a paragraph that specified that no alternative actions (*e.g.,* inspections) or intervals may be used unless the actions and intervals are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in the AMOCs paragraph under ''Other FAA Provisions.'' This new format includes a ''New Provisions for Alternative Actions and Intervals'' paragraph that does not specifically refer to AMOCs, but operators may still request an AMOC to use an alternative action or interval.

Costs of Compliance

The FAA estimates that this proposed AD affects 15 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

The FAA has determined that revising the existing 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. 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).

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 has determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus SAS: Docket No. FAA–2021–0303; Project Identifier MCAI–2020–01367–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by June 1, 2021.

(b) Affected ADs

This AD affects AD 2019–20–01, Amendment 39–19754 (84 FR 55495, October 17, 2019) (AD 2019–20–01).

(c) Applicability

This AD applies to Airbus SAS Model A350–941 and –1041 airplanes, certificated in any category, with an original airworthiness certificate or original export certificate of airworthiness issued on or before July 22, 2020.

(d) Subject

Air Transport Association (ATA) of America Code 05, Time Limits/Maintenance Checks.

(e) Reason

This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is issuing this AD to address hazardous or catastrophic airplane system failures.

(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 2020–0211, dated October 5, 2020 (EASA AD 2020–0211), and EASA AD 2021–0026, dated January 20, 2021 (EASA AD 2021–0026). Where EASA AD 2021–0026 affects the same airworthiness limitations (task and life limits) as those in EASA AD 2020–0211, the airworthiness limitations in the service information referenced in EASA AD 2021–0026 prevail.

(h) Exceptions to EASA ADs 2020–0211 and 2021–0026

(1) Where EASA AD 2020–0211 or EASA AD 2021–0026 refers to its effective date, this AD requires using the effective date of this AD.

(2) The requirements specified in paragraphs (1) and (2) of EASA ADs 2020–0211 and 2021–0026 do not apply to this AD.

(3) Paragraph (3) of EASA ADs 2020–0211 and 2021–0026 specifies revising ''the approved AMP'' within 12 months after its effective date, but this AD requires revising the existing maintenance or inspection program, as applicable, to incorporate the ''limitations, tasks and associated thresholds and intervals'' specified in paragraph (3) of EASA ADs 2020–0211 and 2021–0026 within 90 days after the effective date of this AD.

(4) The initial compliance time for doing the tasks specified in paragraph (3) of EASA ADs 2020–0211 and 2021–0026 is at the applicable ''thresholds'' as incorporated by the requirements of in paragraph (3) of EASA ADs 2020–0211 and 2021–0026, or within 90 days after the effective date of this AD, whichever occurs later.

(5) The provisions specified in paragraphs (4) and (5) of EASA AD 2020–0211 do not apply to this AD.

(6) The provisions specified in paragraph (4) of EASA AD 2021–0026 do not apply to this AD.

(7) The ''Remarks'' section of EASA ADs 2020–0211 and 2021–0026 does not apply to this AD.

(i) Provisions for Alternative Actions and Intervals

After the existing maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (*e.g.,* inspections) and intervals are allowed unless they are approved as specified in the provisions of the ''Ref. Publications'' section of EASA AD 2020–0211 or EASA AD 2021–0026.

(j) Terminating Action for Certain Requirements of AD 2019–20–01

Accomplishing the actions required by this AD terminates the repetitive greasing task for batch 02 group of affected thrust reverser actuators required by paragraph (g) of AD 2019–20–01.

(k) 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 local Flight Standards District 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 (l)(2) 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 local flight standards district office/certificate holding district 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 (k)(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.

(l) Related Information

(1) For information about EASA AD 2020–0211 and EASA AD 2021–0026, 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 these EASA ADs on the EASA website at *https://ad.easa.europa.eu.* 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–2021–0303.

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

Issued on April 8, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–07625 Filed 4–15–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0293; Product Identifier 2017–SW–052–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters Deutschland GmbH Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for Airbus Helicopters Deutschland GmbH (Airbus Helicopters) Model EC135P1, EC135P2, EC135P2+, EC135P3, EC135T1, EC135T2, EC135T2+, and EC135T3 helicopters. This proposed AD would require modification of the tail rotor (T/R) control installation, a functional test, and corrective actions as necessary. This proposed AD is prompted by cases of insufficient clearance between a certain T/R control bearing connection and the helicopter structure, which were detected on the production line. The FAA is proposing this AD to address an unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by June 1, 2021.

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

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

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

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–2019–0293; 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 NPRM, the European Aviation Safety Agency (EASA) AD, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: David Hatfield, Aviation Safety Engineer, Aircraft Systems Section, Technical Innovation Policy Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5110; email *david.hatfield@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2019–0293; Product Identifier 2017–SW–052–AD'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated

as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to David Hatfield, Aviation Safety Engineer, Aircraft Systems Section, Technical Innovation Policy Branch, FAA, 10101 Hill wood Pkwy., Fort Worth, TX 76177; telephone 817–222–5110; email *david.hatfield@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.

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2017–0147, dated August 10, 2017 (EASA AD 2017–0147), to correct an unsafe condition for Airbus Helicopters Model EC135P1, EC135P2, EC135P2+, EC135P3, EC135T1, EC135T2, EC135T2+, EC135T3, EC635P2+, EC635P3, EC635T1, EC635T2+, and EC635T3 helicopters. EASA advises that several cases of insufficient clearance between a certain T/R bearing connection and the helicopter structure were detected during inspections of helicopters on the production line. EASA states that this condition, if not corrected and in the case of an unglued bearing, could lead to blockage of the pedal controlling the T/R thrust and loss of the T/R control. EASA further advises that this could result in a forced landing with damage to the helicopter and injury to the occupants.

Accordingly, EASA AD 2017–0147 requires modifying the T/R control installation by adding a Teflon washer, which reduces the degree of freedom in case of a drifting bearing at the affected connection. EASA AD 2017–0147 also requires a functional test for clearance, and depending on the results, either accomplishing additional corrective actions or contacting Airbus Helicopters for instructions.

FAA's Determination

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

Related Service Information Under 1 CFR Part 51

The FAA reviewed Airbus Helicopters Alert Service Bulletin EC135–67A–031, Revision 0, dated March 30, 2017 (ASB EC135–67A–031), for Airbus Helicopters Model EC135P1, EC135P2, EC135P2+, EC135P3, EC135T1, EC135T2, EC135T2+, EC135T3, EC635P2+, EC635P3, EC635T1, EC635T2+, and EC635T3 helicopters. For serial numbers (S/N) up to 1254 inclusive, except S/N 1235, this service information specifies retrofitting a Teflon washer on the T/R controls, performing a functional test of the modified T/R control installation to inspect for clearance, and making any necessary adjustments. This service information advises that S/N 1255 and up will have the Teflon washer installed in production.

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

Proposed AD Requirements in This NPRM

This proposed AD would apply to Model EC135P1, EC135P2, EC135P2+, EC135P3, EC135T1, EC125T2+, and EC135T3 helicopters with a S/N up to 1254 inclusive (except for S/N 1235) and would require modifying the T/R control within 360 hours time-in-service (TIS) by installing a Teflon washer and performing a functional test in accordance with specified portions of ASB EC135–67A–031. Based on the results of the functional test, this proposed AD would require making repairs in accordance with FAA-approved procedures.

Differences Between This Proposed AD and the EASA AD

The EASA AD sets compliance times at 12 months, while this proposed AD would require compliance within 360 hours TIS. The EASA AD applies to Airbus Helicopters Model 635 T1, 635 T2+, 635 T3, 635 P2+, 635 P3 helicopters, and this proposed AD would not because those models do not have an FAA type certificate. The EASA AD requires contacting Airbus Helicopters for approved repair procedures, while this proposed AD would require a repair using FAA-approved procedures. The EASA AD requires revising the ''aircraft maintenance program,'' whereas this AD does not because not all U.S. operators are required to have a maintenance program.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 331 helicopters of U.S. registry. Labor rates are estimated at $85 per work-hour. Based on these numbers, the FAA estimates the following costs to comply with this proposed AD.

Modifying the T/R control installation and conducting a functional test would take about 3 work-hours and parts would cost about $25 for an estimated cost of $280 per helicopter and $92,680 for the U.S. fleet.

If required, adjusting the clearance would take about 1 work-hour for an estimated cost of $85 per helicopter.

Authority for This Rulemaking

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

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

Regulatory Findings

The FAA determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed, I certify this proposed regulation:

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

2. Will not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus Helicopters Deutschland GmbH: Docket No. FAA–2019–0293; Product Identifier 2017–SW–052–AD.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by June 1, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Helicopters Deutschland GmbH Model EC135P1, EC135P2, EC135P2+, EC135P3, EC135T1, EC135T2, EC135T2+, and EC135T3 helicopters with serial number (S/N) up to and including 1254 (except S/N 1235), certificated in any category.

(d) Subject

Joint Aircraft Service Component (JASC) Code: 6720, Tail Rotor Control System.

(e) Unsafe Condition

This AD defines the unsafe condition as interference between the tail rotor (T/R) control bearing connection close-tolerance bolt and the helicopter structure, which could lead to blockage of the pedal controlling the T/R thrust. This condition could result in loss of T/R control, prompting a forced landing.

(f) Compliance

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

(g) Required Actions

Within 360 hours time-in-service, modify the T/R control by installing a Teflon washer and perform a functional test of the modification in accordance with the Accomplishment Instructions, paragraphs 3.B.2 through 3.B.4.2., of Airbus Helicopters Alert Service Bulletin ASB EC135–67A–031, Revision 0, dated March 30, 2017. If, during the functional test, the clearance between the end of the close-tolerance bolt, castellated nut, and the lower stringer is less than 1.0 mm, repair in accordance with FAA-approved procedures.

(h) Alternative Methods of Compliance (AMOCs)

(1) The Manager, International Validation Branch, 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. 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.

(i) Related Information

(1) For more information about this AD, contact David Hatfield, Aviation Safety Engineer, Aircraft Systems Section, Technical Innovation Policy Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5110; email *david.hatfield@faa.gov.*

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

(3) The subject of this AD is addressed in European Aviation Safety Agency (EASA) AD 2017–0147, dated August 10, 2017. You may view the EASA AD on the internet at *https://www.regulations.gov* in the AD Docket.

Issued on April 8, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–07623 Filed 4–15–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0298; Project Identifier MCAI–2020–01549–T]

RIN 2120–AA64

Airworthiness Directives; Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Airbus Canada Limited Partnership Model BD–500–1A10 airplanes. This proposed AD was prompted by a report that an incorrect low-pressure distribution supply duct may be installed in the forward cargo compartment. This proposed AD would require an inspection of the low-pressure distribution supply duct to determine the part number, and replacement if necessary, as specified in a Transport Canada Civil Aviation (TCCA) AD, which is proposed for incorporation by reference. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by June 1, 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 that will be incorporated by reference (IBR) in this AD, contact TCCA, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario, K1A 0N5 Canada; telephone 888–663–3639; email *AD-CN@tc.gc.ca*; internet *https://tc.canada.ca/en/aviation*. 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–2021–0298.

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–2021–0298; 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 NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Siddeeq Bacchus, Aerospace Engineer,

Mechanical Systems and Administrative Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7362; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2021–0298; Project Identifier MCAI–2020–01549–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend the proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Siddeeq Bacchus, Aerospace Engineer, Mechanical Systems and Administrative Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7362; 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.

Background

TCCA, which is the aviation authority for Canada, has issued TCCA AD CF–2020–48, dated November 19, 2020 (TCCA AD CF–2020–48) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for certain Airbus Canada Limited Partnership Model BD–500–1A10 airplanes.

This proposed AD was prompted by a report that an incorrect low-pressure distribution supply duct may be installed in the forward cargo compartment. The FAA is proposing this AD to address incorrect low-pressure supply ducts, which can lead to a decrease in the pressure above the passenger cabin floor, which could allow smoke penetration into the passenger cabin in the case of a fire or smoke event below the floor. See the MCAI for additional background information.

Related Service Information Under 1 CFR Part 51

TCCA AD CF–2020–48 describes procedures for inspecting the part number of the low-pressure distribution supply duct and replacing the duct with a duct having the correct part number. 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 and Requirements of This Proposed AD

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 proposing this AD because the FAA evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in TCCA AD CF–2020–48, 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, TCCA AD CF–2020–48 will be incorporated by reference in the FAA final rule. This proposed AD would, therefore, require compliance with TCCA AD CF–2020–48 in its entirety, through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Service information specified in TCCA AD CF–2020–48 that is required for compliance with TCCA AD CF–2020–48 will be available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0298 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this proposed AD affects 2 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Up to 6 work-hours × $85 per hour = Up to $510	$683	Up to $1,193 ..	Up to $2,386.

According to the manufacturer, some or all of the costs of this proposed 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

The FAA determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.): Docket No. FAA–2021–0298; Project Identifier MCAI–2020–01549–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by June 1, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Canada Limited Partnership (type certificate previously held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.) Model BD–500–1A10 airplanes, certificated in any category, as identified in Transport Canada Civil Aviation (TCCA) AD CF–2020–48, dated November 19, 2020 (TCCA AD CF–2020–48).

(d) Subject

Air Transport Association (ATA) of America Code 21, Air conditioning.

(e) Reason

This AD was prompted by a report that an incorrect low-pressure distribution supply duct may be installed in the forward cargo compartment. The FAA is issuing this AD to address incorrect low-pressure supply ducts, which can lead to a decrease in the pressure above the passenger cabin floor, which could allow smoke penetration into the passenger cabin in the case of a fire or smoke event below the floor.

(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, TCCA AD CF–2020–48.

(h) Exceptions to TCCA AD CF–2020–48

(1) Where TCCA AD CF–2020–48 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where TCCA AD CF–2020–48 refers to hours air time, this AD requires using flight hours.

(3) Where TCCA AD CF–2020–48 specifies to do the corrective action ''if required,'' this AD requires accomplishing the corrective action if the duct does not have the correct part number (BWT36999–1).

(i) 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 responsible Flight Standards 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 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, New York ACO Branch, FAA; or TCCA; or Airbus Canada Limited Partnership's TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(j) Related Information

(1) For information about TCCA AD CF–2020–36, contact TCCA Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario, K1A 0N5 Canada; telephone 888–663–3639; email *AD-CN@tc.gc.ca*; internet *https://tc.canada.ca/en/aviation*. 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–2021–0298.

(2) For more information about this AD, contact Siddeeq Bacchus, Aerospace Engineer, Mechanical Systems and Administrative Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7362; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov*.

Issued on April 7, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–07564 Filed 4–15–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0273; Project Identifier AD–2021–00050–E]

RIN 2120–AA64

Airworthiness Directives; General Electric Company Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all General Electric Company (GE) GEnx–1B64, GEnx–1B64/P1, GEnx–1B64/P2, GEnx–1B67, GEnx–1B67/P1, GEnx–1B67/P2, GEnx–1B70, GEnx–1B70/75/P1, GEnx–1B70/75/P2, GEnx–1B70/P1, GEnx–1B70/P2, GEnx–1B70C/P1, GEnx–1B70C/P2, GEnx–1B74/75/P1, GEnx–1B74/75/P2, GEnx–1B76/P2, GEnx–1B76A/P2, GEnx–2B67, GEnx–2B67/P, and GEnx–2B67B model turbofan engines. This proposed AD was prompted by an in-service occurrence of loss of engine thrust control resulting in uncommanded high thrust. This proposed AD would require revising the operator's existing FAA-approved minimum equipment list (MEL) by incorporating into the MEL the dispatch restrictions listed in this AD. This proposed AD would also require initial and repetitive replacement of the electronic engine control (EEC) MN4 microprocessor. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by June 1, 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 NPRM, contact General Electric Company, 1 Neumann Way, Cincinnati, OH 45215; phone: (513) 552–3272; email: *aviation.fleetsupport@ae.ge.com;* website: *www.ge.com.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (781) 238–7759.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0273; 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 NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Mehdi Lamnyi, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238–7743; fax: (781) 238–7199; email: *Mehdi.Lamnyi@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2021–0273; Project Identifier AD–2021–00050–E'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Mehdi Lamnyi, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA received a report from the manufacturer of an in-service loss of engine thrust control on a GE90–115B model turbofan engine on October 27, 2019, that resulted in uncommanded high thrust. Analysis by the manufacturer found accumulated thermal cycles of the MN4 integrated circuit in the EEC, through normal operation, causes the solder ball joints to wear out and eventually fail over time. Since the GE90 and the GEnx model turbofan engines share the same EEC hardware and experience similar thermal and vibratory environments, the manufacturer determined that GEnx model turbofan engines are susceptible to the same type of failure. This condition, if not addressed, could result in loss of engine thrust control and reduced control of the airplane.

FAA's Determination

The FAA is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Related Service Information Under 1 CFR Part 51

The FAA reviewed GE GEnx–1B Service Bulletin (SB) 73–0097 R01, dated January 29, 2021, and R00, dated December 17, 2020; and GE GEnx–2B SB 73–0090 R01, dated January 28, 2021, and R00, dated December 17, 2020. This service information specifies procedures for replacing the EEC MN4 microprocessor on GEnx–1B and GEnx–2B model turbofan engines, as applicable. 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 **ADDRESSES**.

Proposed AD Requirements in This NPRM

This proposed AD would require revising the existing operator's FAA-

approved MEL by incorporating into the MEL the dispatch restrictions listed in paragraph (g) of this AD. This proposed AD would also require initial and repetitive replacement of the EEC MN4 microprocessor using an approved overhaul procedure.

Interim Action

The FAA considers that this proposed AD would be an interim action. If final action is later identified, the FAA might consider additional rulemaking.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 308 engines installed on airplanes of U.S. registry.

The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Revise operator's FAA-approved MEL	1 work-hour × $85 per hour = $85	$0	$85	$26,180
Replace EEC MN4 microprocessor	1 work-hour × $85 per hour = $85	25,200	25,285	7,787,780

Authority for This Rulemaking

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

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

Regulatory Findings

The FAA determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

General Electric Company: Docket No. FAA–2021–0273; Project Identifier AD–2021–00050–E.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by June 1, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to General Electric Company (GE) GEnx–1B64, GEnx–1B64/P1, GEnx–1B64/P2, GEnx–1B67, GEnx–1B67/P1, GEnx–1B67/P2, GEnx–1B70, GEnx–1B70/75/P1, GEnx–1B70/75/P2, GEnx–1B70/P1, GEnx–1B70/P2, GEnx–1B70C/P1, GEnx–1B70C/P2, GEnx–1B74/75/P1, GEnx–1B74/75/P2, GEnx–1B76/P2, GEnx–1B76A/P2, GEnx–2B67, GEnx–2B67/P, and GEnx–2B67B model turbofan engines.

(d) Subject

Joint Aircraft System Component (JASC) Code 7600, Engine Controls.

(e) Unsafe Condition

This AD was prompted by an in-service occurrence of loss of engine thrust control resulting in uncommanded high thrust. The FAA is issuing this AD to prevent dispatch of the airplane when certain conditions caused by degradation of the MN4 microprocessor in the electronic engine control (EEC) are present. The unsafe condition, if not addressed, could result in loss of engine thrust control and reduced control of the airplane.

(f) Compliance

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

(g) Required Actions

(1) For all affected GEnx–1B model turbofan engines, within 120 days of the effective date of this AD, revise the operator's existing FAA-approved minimum equipment list (MEL) by incorporating into the MEL the dispatch restriction specified in Figure 1 to paragraph (g)(1) of this AD, as a required operation or maintenance procedure.

Note 1 to paragraph (g)(1): Specific alternative MEL wording to accomplish the actions specified in Figure 1 can be approved by the operator's principal operations or maintenance inspector.

Figure 1 to Paragraph (g)(1) – Dispatch Restriction for Engine Indicating and Crew Alerting System (EICAS) MESSAGE ENG EEC C1 for GEnx-1B

Dispatch of an airplane is prohibited if the engine indicating and crew alerting system (EICAS) displays the status message "ENG EEC C1 X" (where "X" is engine position: "L" or "R") and any of the following conditions exist:

i. None of the maintenance messages in the Central Maintenance Computing Function (CMCF) correlate with "ENG EEC C1 X" status message; or

ii. The following maintenance message fault codes combination exists in the CMCF for either channel A or B (where "X" is engine position: "1" or "2").

Fault Combination Description	Corresponding Fault Codes Combination
{TLA out of range fault} **AND** {FMV/FSV disagree fault **OR** FMV/FSV out of range fault (on the same channel as TLA out of range fault)}	{76-1953X (CH-A)} **AND** {73-3204X **OR** 73-3121X **OR** 73-1205X **OR** 73-1122X}
	{76-2953X (CH-B)} **AND** {73-3204X **OR** 73-3121X **OR** 73-2205X **OR** 73-2122X}

(2) For all affected GEnx–2B model turbofan engines, within 120 days of the effective date of this AD, revise the operator's existing FAA-approved MEL by incorporating into the MEL the dispatch restriction specified in Figure 2 to paragraph (g)(2) of this AD, as a required operation or maintenance procedure.

Note 2 to paragraph (g)(2): Specific alternative MEL wording to accomplish the actions specified in Figure 2 can be approved by the operator's principal operations or maintenance inspector.

Figure 2 to Paragraph (g)(2) – Dispatch Restriction for EICAS MESSAGE ENG EEC C1 for GEnx-2B

Dispatch of an airplane is prohibited if the engine indicating and crew alerting system (EICAS) displays the status message "ENG X EEC C1" (where "X" is engine position: "1," "2," "3," or "4") and any of the following conditions exist:

i. None of the maintenance messages in the Central Maintenance Computer (CMC) correlate with "ENG X EEC C1" status message; or

ii. The following maintenance message fault codes combination exists in the CMC for either channel A or B (where "X" is engine position: "1," "2," "3," or "4").

Fault Combination Description	Corresponding Fault Codes Combination
{TLA out of range fault} **AND** {FMV/FSV disagree fault **OR** FMV/FSV out of range fault (on the same channel as TLA out of range fault)}	{78X13 (CH-A)} **AND** {7X132 **OR** 7X144 **OR** 7X130 **OR** 7X145}
	{78X14 (CH-B)} **AND** {7X132 **OR** 7X144 **OR** 7X133 **OR** 7X146}

(3) For all affected engines, before the EEC reaches 11,000 cycles since new, replace the EEC MN4 microprocessor using an approved overhaul procedure.

(i) Thereafter, replace the EEC MN4 microprocessor before accumulating 11,000 cycles since the last replacement.

(ii) [Reserved]

(h) Definition

For the purposes of this AD, an approved overhaul procedure is one of the following:

(i) Replacement of the EEC MN4 microprocessor using FADEC International-approved maintenance procedures; or

(ii) Replacement of the EEC MN4 microprocessor using the Accomplishment Instructions, paragraph 3., as applicable, of GEnx–1B Service Bulletin (SB) 73–0097 R00, dated December 17, 2020, or R01, dated January 29, 2021; or GEnx–2B SB 73–0090 R00, dated December 17, 2020, or R01, dated January 28, 2021.

(i) Installation Prohibition

After the effective date of this AD, do not install onto any engine an EEC with a main channel board that was subject to more than three replacements of the EEC MN4 microprocessor.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, ECO 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 Related Information. Information may be emailed to: *ANE-AD-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

(1) For more information about this AD, contact Mehdi Lamnyi, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238–7743; fax: (781) 238–7199; email: *Mehdi.Lamnyi@faa.gov*.

(2) For service information identified in this AD, contact General Electric Company, 1 Neumann Way, Cincinnati, OH 45215; phone: (513) 552–3272; email: *aviation.fleetsupport@ae.ge.com;* website: *www.ge.com.* You may view this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (781) 238–7759.

Issued on April 7, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–07550 Filed 4–15–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0269; Project Identifier MCAI–2020–01417–T]

RIN 2120–AA64

Airworthiness Directives; Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Airbus Canada Limited Partnership Model BD–500–1A10 and

BD–500–1A11 airplanes. This proposed AD was prompted by reports of in-flight engine shutdowns (IFESs); investigation results indicated that this could be caused by high altitude climbs at higher thrust settings on engines with certain thrust ratings. This proposed AD would require amending the existing airplane flight manual (AFM) to incorporate a new limitation and revise certain normal procedures, as specified in a Transport Canada Civil Aviation (TCCA) AD, which is proposed for incorporation by reference. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by June 1, 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 TCCA material that will be incorporated by reference (IBR) in this AD, contact the TCCA, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario, K1A 0N5, CANADA; telephone 888–663–3639; email *AD-CN@tc.gc.ca*; internet *https://tc.canada.ca/en/aviation*. For Airbus material that will be IBR in this AD, contact Airbus Canada Limited Partnership, 13100 Henri-Fabre Boulevard, Mirabel, Québec J7N 3C6, Canada; telephone 450–476–7676; email *a220_crc@abc.airbus*; internet *http://a220world.airbus.com*. 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–2021–0269.

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–2021–0269; 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 NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Thomas Niczky, Aerospace Engineer, Avionics and Electrical Systems Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7347; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2021–0269; Project Identifier MCAI–2020–01417–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend the proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Thomas Niczky, Aerospace Engineer, Avionics and Electrical Systems Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7347; 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.

Background

TCCA, which is the aviation authority for Canada, has issued TCCA AD CF–2020–41, issued October 15, 2020 (TCCA AD CF–2020–41) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for certain Airbus Canada Limited Partnership Model BD–500–1A10 and BD–500–1A11 airplanes.

This proposed AD was prompted by reports of IFESs; investigations are ongoing to determine the root cause. Investigation results indicated that an IFES could be caused by high altitude climbs at higher thrust settings on engines with certain thrust ratings. The FAA is proposing this AD to provide the flightcrew with information and procedures for operation above 29,000 feet to prevent uncontained failure of an engine during an IFES, which could result in structural damage and reduced structural integrity of the airplane. See the MCAI for additional background information.

Related Service Information Under 1 CFR Part 51

TCCA AD CF–2020–41 specifies procedures for amending the applicable AFM to incorporate a new limitation and revise the normal procedures to limit the engine N1 setting for flights above 29,000 feet.

Airbus Canada Limited Partnership has issued Supplement 21—Operation Above 29000 Feet, of Airbus A220–100 Airplane Flight Manual, Publication BD500–3AB48–22200–00, Issue 016, dated October 16, 2020. This supplement specifies limitations, information, and procedures for operation above 29,000 feet.

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 and Requirements of This Proposed AD

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 proposing this AD because the FAA evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in TCCA AD CF–2020–41 described previously, as incorporated by reference, except as specified under ''Differences Between this Proposed AD and the MCAI'' in this NPRM, and except for any differences identified as exceptions in the regulatory text of this AD.

Differences Between This Proposed AD and the MCAI

The MCAI requires a borescope inspection for signs of damage of the 1st stage axial low-pressure compressor (LPC) rotor of each engine, and allows for the optional installation of health management unit reports to monitor N1 exceedances. This proposed AD does not include either provision.

The MCAI also requires amending the AFM by ''incorporating the Supplement 21 Operation above 29000 feet from AFM Revision 15–A dated 10 September 2020.'' Since the MCAI was issued, Supplement 21 was revised. This proposed AD would require the incorporation of Supplement 21—Operation Above 29000 Feet, of Airbus A220–100 Airplane Flight Manual, Publication BD500–3AB48–22200–00, Issue 016, dated October 16, 2020.

The MCAI requires operators to ''inform all flight crews'' of revisions to the AFM, and thereafter to ''operate the aeroplane accordingly.'' However, this proposed 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 proposed 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.

These differences have been coordinated with TCCA.

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, TCCA AD CF–2020–41 will be incorporated by reference in the FAA final rule. This proposed AD would, therefore, require compliance with TCCA AD CF–2020–41 in its entirety, through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Service information specified in TCCA AD CF–2020–41 that is required for compliance with TCCA AD CF–2020–41 will be available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0269 after the FAA final rule is published.

Interim Action

The FAA considers this proposed AD interim action. If final action is later identified, the FAA might consider further rulemaking then.

Costs of Compliance

The FAA estimates that this proposed AD affects 42 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed 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	$3,570

Authority for This Rulemaking

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

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

Regulatory Findings

The FAA determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.): Docket No. FAA–2021–0269; Project Identifier MCAI–2020–01417–T.

(a) Comments Due Date

The FAA must receive comments by June 1, 2021.

(b) Affected Airworthiness Directives (ADs)

None.

(c) Applicability

This AD applies to Airbus Canada Limited Partnership (type certificate previously held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.) Model BD–500–1A10 and BD–500–1A11 airplanes, certificated in any category, as identified in Transport Canada Civil Aviation (TCCA) AD CF–2020–41, issued October 15, 2020 (TCCA AD CF–2020–41).

(d) Subject

Air Transport Association (ATA) of America Code 72, Engines.

(e) Reason

This AD was prompted by reports of in-flight engine shutdowns (IFESs); investigation results indicated that this could be caused by high altitude climbs at higher thrust settings on engines with certain thrust ratings. The FAA is issuing this AD to provide the flightcrew with information and procedures for operation above 29,000 feet to prevent uncontained failure of an engine during an IFES, which could result in structural damage and reduced structural integrity 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, paragraph A., of TCCA AD CF–2020–41.

(h) Exceptions to TCCA AD CF–2020–41

(1) Where TCCA AD CF–2020–41 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where paragraph A. of TCCA AD CF–2020–41 requires amending the airplane flight manual (AFM) by ''incorporating the Supplement 21 Operation above 29,000 feet from AFM Revision 15–A, dated 10 September 2020,'' this AD requires amending the existing AFM by incorporating Supplement 21—Operation Above 29,000 Feet, of Airbus A220–100 Airplane Flight Manual, Publication BD500–3AB48–22200–00, Issue 016, dated October 16, 2020.

(3) Where paragraph A. of TCCA AD CF–2020–41 specifies to ''inform all flight crews of the new supplement and thereafter operate the aeroplane accordingly,'' this AD does not require those actions as those actions are already required by existing FAA operating regulations.

(4) Where paragraphs B. and C. of TCCA AD CF–2020–41 specify procedures for a borescope inspection for signs of damage of the 1st stage axial low-pressure compressor (LPC) rotor of each engine, to be performed after the AFM N1 limitation has been exceeded, this AD does not require that action.

(5) Where paragraph C. of TCCA AD CF–2020–41 describes an optional installation of health management unit reports to monitor N1 exceedances, this AD does not include that option.

(i) 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 the local flight standards district office/certificate holding district 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 Transport Canada Civil Aviation (TCCA); or Airbus Canada's TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(j) Related Information

(1) For TCCA AD CF–2020–41, contact the TCCA, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario, K1A 0N5, CANADA; telephone 888–663–3639; email *AD-CN@tc.gc.ca*; internet *https://tc.canada.ca/en/aviation*. For Airbus service information identified in this AD, contact Airbus Canada Limited Partnership, 13100 Henri-Fabre Boulevard, Mirabel, Québec J7N 3C6, Canada; telephone 450–476–7676; email *a220_crc@abc.airbus*; internet *http://a220world.airbus.com*. 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–2021–0269.

(2) For more information about this AD, contact Thomas Niczky, Aerospace Engineer, Avionics and Electrical Systems Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7347; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov*.

Issued on April 2, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–07201 Filed 4–15–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–0159; Airspace Docket No. 21–ACE–6]

RIN 2120–AA66

Proposed Amendment of Class E Airspace; Scott City, KS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend the Class E airspace extending upward from 700 feet above the surface at Scott City Municipal Airport, Scott City, KS. The FAA is proposing this action as the result of an airspace review caused by the decommissioning of the Scott City non-directional beacon (NDB). The geographic coordinates of the airport would also be updated to coincide with the FAAs aeronautical database.

DATES: Comments must be received on or before June 1, 2021.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–9826, or (800) 647–5527. You must identify FAA Docket No. FAA–2021–

0159/Airspace Docket No. 21–ACE–6, at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov*. You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

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

FOR FURTHER INFORMATION CONTACT: Rebecca Shelby, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5857.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend the Class E airspace extending upward from 700 feet above the surface at Scott City Municipal Airport, KS, to support instrument flight rule operations at this airport.

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 and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2021–0159/Airspace Docket No. 21–ACE–6.'' The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *https://www.regulations.gov*. Recently published rulemaking documents can also be accessed through the FAA's web page at *https://www.faa.gov/air_traffic/publications/airspace_amendments/*.

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the 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 Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Availability and Summary of Documents for Incorporation by Reference

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

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 by amending the Class E airspace extending upward from 700 feet above the surface within a 6.5-mile (decreased from 6.9-mile) radius of Scott City Municipal Airport, Scott City, KS; and updating geographic coordinates of the airport to coincide with the FAA's aeronautical database.

This action is the result of an airspace review due to the decommissioning of the Scott City NDB which provided navigation information for the instrument procedures at this airport.

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

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

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, would 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

Accordingly, pursuant to the authority delegated to me, 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 14 CFR 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 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ACE KS E5 Scott City, KS [Amended]

Scott City Municipal Airport, KS
(Lat. 38°28′30″ N, long. 100°53′04″ W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Scott City Municipal Airport.

Issued in Fort Worth, Texas, on April 8, 2021.

Martin A. Skinner,

Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2021–07579 Filed 4–15–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Part 9

[Docket No. TTB–2021–0001; Notice No. 200]

RIN 1513–AC73

Proposed Establishment of the Upper Lake Valley Viticultural Area and Modification of the Clear Lake Viticultural Area

AGENCY: Alcohol and Tobacco Tax and Trade Bureau, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Alcohol and Tobacco Tax and Trade Bureau (TTB) proposes to establish the approximately 17,360-acre ''Upper Lake Valley'' viticultural area in Lake County, California. TTB also proposes to expand the boundary of the existing 1,093-square mile Clear Lake viticultural area so that the proposed Upper Lake Valley viticultural area is wholly within it. Both the established Clear Lake viticultural area and the proposed Upper Lake Valley viticultural area are entirely within the established North Coast viticultural area. TTB designates viticultural areas to allow vintners to better describe the origin of their wines and to allow consumers to better identify wines they may purchase. TTB invites comments on these proposals.

DATES: Comments must be received by June 15, 2021.

ADDRESSES: You may electronically submit comments to TTB on this proposal, and view copies of this document, its supporting materials, and any comments TTB receives on it within Docket No. TTB–2021–0001 as posted on *Regulations.gov* (*https://www.regulations.gov*), the Federal e-rulemaking portal. Please see the ''Public Participation'' section of this document below for full details on how to comment on this proposal via *Regulations.gov* or U.S. mail, and for full details on how to obtain copies of this document, its supporting materials, and any comments related to this proposal.

FOR FURTHER INFORMATION CONTACT: Karen A. Thornton, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Box 12, Washington, DC 20005; phone 202–453–1039, ext. 175.

SUPPLEMENTARY INFORMATION:

Background on Viticultural Areas

TTB Authority

Section 105(e) of the Federal Alcohol Administration Act (FAA Act), 27 U.S.C. 205(e), authorizes the Secretary of the Treasury to prescribe regulations for the labeling of wine, distilled spirits, and malt beverages. The FAA Act provides that these regulations should, among other things, prohibit consumer deception and the use of misleading statements on labels and ensure that labels provide the consumer with adequate information as to the identity and quality of the product. The Alcohol and Tobacco Tax and Trade Bureau (TTB) administers the FAA Act pursuant to section 1111(d) of the Homeland Security Act of 2002, codified at 6 U.S.C. 531(d). The Secretary has delegated the functions and duties in the administration and enforcement of these provisions to the TTB Administrator through Treasury Order 120–01, dated December 10, 2013 (superseding Treasury Order 120–01, dated January 24, 2003).

Part 4 of the TTB regulations (27 CFR part 4) authorizes TTB to establish definitive viticultural areas and regulate the use of their names as appellations of origin on wine labels and in wine advertisements. Part 9 of the TTB regulations (27 CFR part 9) sets forth standards for the preparation and submission of petitions for the establishment or modification of American viticultural areas (AVAs) and lists the approved AVAs.

Definition

Section 4.25(e)(1)(i) of the TTB regulations (27 CFR 4.25(e)(1)(i)) defines a viticultural area for American wine as a delimited grape-growing region having distinguishing features, as described in part 9 of the regulations, and a name and a delineated boundary, as established in part 9 of the regulations. These designations allow vintners and consumers to attribute a given quality, reputation, or other characteristic of a wine made from grapes grown in an area to the wine's geographic origin. The establishment of AVAs allows vintners to describe more accurately the origin of their wines to consumers and helps consumers to identify wines they may purchase. Establishment of an AVA is neither an approval nor an endorsement by TTB of the wine produced in that area.

Requirements

Section 4.25(e)(2) of the TTB regulations (27 CFR 4.25(e)(2)) outlines the procedure for proposing an AVA or modifying the boundary of an established AVA, and provides that any interested party may petition TTB to establish a grape-growing region as an AVA or to modify the boundary of an established AVA. Section 9.12 of the TTB regulations (27 CFR 9.12) prescribes the standards for petitions for the establishment or modification of AVAs. Petitions to establish an AVA, or modify the boundary of an AVA, must include the following:

- Evidence that the area within the proposed AVA boundary, or the region within the proposed expansion area, is nationally or locally known by the AVA name specified in the petition;
- An explanation of the basis for defining the boundary of the proposed AVA or defining the boundary of the proposed expansion area;
- A narrative description of the features of the proposed AVA or proposed expansion area affecting viticulture, such as climate, geology, soils, physical features, and elevation, that make the proposed AVA or expansion area distinctive and distinguish it from adjacent areas

outside the proposed AVA boundary or established AVA boundary;

- The appropriate United States Geological Survey (USGS) map(s) showing the location of the proposed AVA or proposed expansion area, with the boundary of the proposed AVA or proposed expansion area clearly drawn thereon;
- If the proposed AVA or proposed expansion area is to be established within, or overlapping, an existing AVA, an explanation that both identifies the attributes of the proposed AVA or proposed expansion area that are consistent with the existing AVA, and explains how the proposed AVA or proposed expansion area is sufficiently distinct from the existing AVA and therefore appropriate for separate recognition; and
- A detailed narrative description of the proposed AVA or proposed expansion area boundary based on USGS map markings.

Petition To Establish the Upper Lake Valley AVA and Modify the Boundary of the Clear Lake AVA

TTB received a petition from Terry Dereniuk, on behalf of the Growers of Upper Lake Valley, proposing the establishment of the ''Upper Lake Valley'' AVA. The proposed Upper Lake Valley AVA is located within Lake County, California, and lies within the established North Coast AVA (27 CFR 9.30) and partially within the established Clear Lake AVA (27 CFR 9.99). The proposed AVA contains approximately 17,360 acres and has 16 commercially-producing vineyards covering a total of approximately 300 acres. At the time the petition was submitted, at least one additional vineyard was planned within the proposed AVA.

Although most of the proposed Upper Lake Valley AVA is located within the existing Clear Lake AVA, a small portion of the northwest corner of the proposed AVA would, if established, extend beyond the boundary of the Clear Lake AVA. To address the overlap of the two AVAs and account for viticultural similarities between the proposed Upper Lake Valley AVA and the larger Clear Lake AVA, the petition also proposes to expand the boundary of the Clear Lake AVA so that the entire proposed Upper Lake Valley AVA would be included within the Clear Lake AVA.

According to the petition, the distinguishing features of the proposed Upper Lake Valley AVA include its hydrogeology, soils, and climate. Although the petition included information on the geology of the proposed AVA and the surrounding regions, TTB determined that geology is such an integral part of hydrogeology and the characteristics of the aquifers the waters therein that it should not be considered a distinguishing feature separate from hydrogeology. Unless otherwise noted, all information and data pertaining to the proposed AVA contained in this document are from the petition for the proposed Upper Lake Valley AVA and its supporting exhibits.

Proposed Upper Lake Valley AVA

Name Evidence

The proposed Upper Lake Valley AVA is located along the northern shore of Clear Lake and incorporates the town of Upper Lake, California. The petitioners proposed the name ''Upper Lake Valley'' to reflect the proposed AVA's topography of alluvial valley floors and the surrounding hillsides. The petition included evidence that the name has been used to describe the region of the proposed AVA since the late 1800's. For example, an 1881 book about the history of Lake County makes several references to ''Upper Lake Valley.'' [1] The book contains a list of geographical features in Lake County, including an entry for ''Upper Lake Valley,'' which is located ''around the head of Clear Lake, and is eight miles long and from one to five miles wide.'' [2] In another reference, the book notes that an 1842 land grant included ''a part of Upper Lake Valley.'' [3] A third reference in the book states that a series of valleys, including Bachelor Valley, ''all center around the head of Clear Lake, and form what is known as Upper Lake Valley.'' [4] TTB notes that Bachelor Valley is located within the proposed Upper Lake Valley AVA.

The petition also included examples of the current use of the name ''Upper Lake Valley'' to describe the region of the proposed AVA. For example, the Lake County Groundwater Management Plan [5] makes multiple references to the Upper Lake Valley groundwater basin and includes a map [6] which shows the basin covering the region of the proposed AVA. The Lake County Winegrape Commission's web page notes, ''Mountain valleys around Clear Lake, including Big Valley District, Upper Lake Valley, Clover Valley, Bachelor Valley, and Scotts Valley, are level with deep alluvial deposits.'' [7] A real estate website [8] and a website for finding city sales tax rates [9] both include listings for ''Upper Lake/Upper Lake Valley.'' Finally, a recent newspaper article about the history of growing green beans in the region of the proposed AVA states that a prominent bean farmer's ''acreage was located in the Upper Lake valley [sic].'' [10]

Boundary Evidence

The proposed Upper Lake Valley AVA encompasses a series of valleys, along with their surrounding hillsides, that run in a north-northeasterly direction from the shores of Clear Lake. The northern boundary is generally concurrent with the northern boundary of the established Clear Lake AVA and separates the proposed AVA from the higher, rugged elevations of the Mendocino National Forest. The eastern boundary follows the 1,600-foot elevation contour and also separates the proposed AVA from the Mendocino National Forest. The southern boundary follows the northern shore of Clear Lake. A portion of the western boundary follows a series of roads and the 1,600-foot elevation contour to separate the proposed AVA from the higher terrain of the Mayacamas Mountains. The remainder of the western boundary is a straight line between points that is concurrent with the established Clear Lake AVA boundary and also separates the proposed AVA from the Mayacamas Mountains.

Distinguishing Features

The distinguishing features of the proposed Upper Lake Valley AVA are its hydrogeology, soils, and climate.

Hydrogeology

According to the petition, the proposed Upper Lake Valley AVA has four identified water-bearing formations: Quaternary alluvium; Pleistocene terrace deposits; Pleistocene lake and floodplain deposits; and Plio-

[1] Palmer, Lyman L., Wallace, W.F., and Wells, Harry L. *History of Napa and Lake Counties, California.* San Francisco: Slocum, Bowen & Co., 1881. See Exhibit 6 of the Name Evidence Appendix to the petition in Docket TTB–2021–0001 at *https://www.regulations.gov.*

[2] *Ibid.* page 5.

[3] *Ibid.* page 70.

[4] *Ibid.* page 191.

[5] *http://www.lakecountyca.gov/Assets/Departments/WaterResources/IRWMP/Lake+County+Groundwater+Managment+Plan.pdf.* See Exhibit 1 of the Name Evidence Appendix to the petition.

[6] See Figure 1–1 of the Lake County Groundwater Management Plan, which is included in Exhibit 1 of the Name Evidence Appendix to the petition.

[7] *https://www.lakecountywinegrape.org/region/terroir/soils.* See Exhibit 2 of the Name Evidence Appendix to the petition.

[8] *www.redfin.com.* See Exhibit 4 of the Name Evidence Appendix to the petition.

[9] *www.sale-tax.com/UpperLakeUpperLakeValleyCA.* See Exhibit 3 of the Name Evidence Appendix to the petition.

[10] *www.record-bee.com/2016/06/17/blue-lakes-green-beans.* See Exhibit 5 of the Name Evidence Appendix to the petition.

pleistocene cache creek. These formations make up the Upper Lake Groundwater Basin, which covers the majority of the proposed AVA. The Quaternary alluvium and Pleistocene terrace, lake, and floodplain deposits are the primary sources of groundwater within the proposed AVA. The petition states that groundwater levels within the Upper Lake Groundwater Basin are generally within 10 feet of the surface and fluctuate between 5 and 15 feet lower in the fall. Lowering of water levels during dry months is not excessive and is balanced by rapid recovery of water level elevations during the wet months.

According to a bulletin from the California Department of Water Resources, the predominant groundwater types in the Upper Lake Groundwater Basin are magnesium bicarbonate and calcium carbonate water.[11] The bulletin also shows high iron, manganese, and calcium levels in the groundwater, as well as high electrical conductivity. Boron was detected in some wells used in the bulletin's analysis, but high boron levels are not associated with the groundwater in the proposed Upper Lake Valley AVA. The bulletin's analysis showed a total dissolved solids average of 500 mg/L.

The petition states that water for irrigation is critical for wine grape production within the proposed AVA. The water quality in the proposed Upper Lake Valley AVA is suitable for irrigation and has few impediments. The high levels of calcium are desirable, since low levels of calcium may cause deficiencies in vine growth. Low levels of boron in the groundwater are also desirable for irrigation purposes, as levels of 2 mg/L and above are toxic to most plants. The low levels of dissolved solids are also beneficial, since total dissolved solids levels above 2,000 mg/L are very likely to cause vine growth problems. However, the high iron and manganese levels in the water of the proposed AVA can cause irrigation equipment to clog.

The Gravelly Valley Groundwater Basin lies to the north of the proposed Upper Lake Valley AVA, within the Mendocino National Forest. The petition states that no additional information was available about this basin. To the east of the proposed AVA lies the High Valley Groundwater Basin, which is formed by rocks of the Jurassic-Cretaceous Franciscan Formation and Quaternary Holocene volcanics. The groundwater is characterized as magnesium bicarbonate with high levels of ammonia, phosphorous, chloride, iron, boron, and manganese. During the spring, the High Valley Groundwater Basin water level is 10 to 30 feet below the surface, with the summer drawdown 5 to 10 feet below the spring level. Spring groundwater levels have fluctuated widely over the years, with incidences of slow recovery after periods of drought.

Additionally, Clear Lake is to the immediate south of the proposed AVA, while the Big Valley Groundwater Basin is farther south. The prominent groundwater formations in this basin are Quaternary Alluvium and Upper Pliocene to Lower Pliocene Volcanic Ash Deposit. California Groundwater Bulletin 118 notes that boron is an impairment in the water in some parts of the Big Valley Groundwater Basin.[12] Groundwater levels in the northern portion of the Big Valley Basin are usually 5 feet below the surface and decrease 10 to 50 feet during the summer. In the uplands of the basin, the depth to water in the spring is much deeper, ranging from 70 to 90 feet below the surface and dropping an additional 30 to 40 feet over the summer. To the west of the proposed AVA is the Scotts Valley Groundwater Basin, which consists of rocks from the Jurassic-Cretaceous Franciscan Formation. California Groundwater Bulletin 118 lists iron, manganese, and boron as impairments of groundwater in this basin.[13] Depth to water in the spring is 10 feet below the surface on the average, with spring to summer drawdown ranging from 30 to 60 feet below spring levels depending on location across the Scotts Valley Groundwater Basin.

Soils

According to the petition, many different soil series make up the soils of the proposed Upper Lake Valley AVA. However, three general soil map units broadly characterize the area: Millsholm-Skyhigh-Bressa; Still-Lupoyoma; and Tulelake-Fluvaquentic-Haplawuolls. Soils from these three units make up over 56 percent of the total area of the proposed AVA. Millsholm-Skyhigh-Bressa soils are formed from sandstone and shale and are primarily loams and clay loams. These soils are moderately deep, moderately-well to well-drained, and have slopes that range from moderately sloping to steep. Soils from the Still-Lupoyoma general map unit occur on the nearly-level valley floors and consist of loams and silt loams. These soils are very deep, with rooting depths of 60 inches or more, and are moderately-well to well-drained. Soils from the Tulelake-Fluvaquentic-Haplawuolls map unit occur in marshy and reclaimed areas around Clear Lake and Tule Lake. Soils of this unit are very deep silty clay loams with poor to very poor drainage.

The petition states that soil composition, depth, and drainage are key components of vine and fruit development. According to the petition, most of the vineyards in the proposed Upper Lake Valley AVA are planted on Still-Luopyoma soils due to the gentle slopes, which create less of an erosion hazard and provide good drainage. These soils are also deep, which allows the roots to extend farther than in shallow soils. Grapevines are ''deep-rooted plants that fully explore the soil to 6 to 10 feet or more if root penetration is not obstructed by hardpan, impervious clay substratum, toxic concentrations of salts, or a free water table.'' [14] The petition states that soils of the Tulelake-Fluvaquentic-Haplawuolls map unit, which are also very deep, may also be suitable for viticulture where poor drainage can be mitigated. Although soils of the Millsholm-Skyhigh-Bressa map unit are more shallow than soils of the other two map units, the petition states that shallow soils can also be desirable for viticulture because ''[t]he quality of fruit is better, although yields are usually lower, on soils * * * limited in depth by hardpan, rocks, or clay substrata.'' [15] However, because these soils are found on steeper slopes, there is a risk of erosion.

To the north of the proposed Upper Lake Valley AVA, within the Mendocino National Forest, the soils belong to the Maymen-Etsel and the Sanhedrin-Speaker-Kekawaka soil map units. These soils are not very prevalent in the proposed AVA and are described as shallow soils with outcroppings of

[11] California Department of Water Resources. *California's Ground Water Bulletin 118.* California Department of Water Resources: 1975. Updated 2004; see *https://water.ca.gov/-/media/DWR-website/web pages/Programs/Groundwater-Management/Bulletin-118/Files/2003-Basin-Descriptions/5_013_UpperLake.pdf.*

[12] California Department of Water Resources. *California's Ground Water Bulletin 118.* California Department of Water Resources: 1975. Updated 2004; *https://water.ca.gov/-/media/DWR-website/web pages/Programs/Groundwater-Management/Bulletin-118/Files/2003-Basin-Descriptions/5_015_BigValley.pdf.*

[13] California Department of Water Resources. California's Ground Water Bulletin 118. California Department of Water Resources: 1975. Updated 2004; *https://water.ca.gov/-/media/DWR-website/web pages/Programs/Groundwater-Management/Bulletin-118/Files/2003-Basin-Descriptions/5_014_ScottsValley.pdf.*

[14] Albert J. Winkler et al., *General Viticulture* (Berkeley: University of California Press, 2nd ed. 1974, page 71.

[15] Ibid, page 71.

large stones, including greywackes and sandstone. To the east of the proposed AVA, the most common soil map units are the Maymen-Etsel, Sobrante-Guenoc-Hambright, and the Sanhedrin-Speaker-Kekawaka units, which are also not common within the proposed AVA and occur mostly on very steep slopes. South of the proposed AVA, within the Big Valley District AVA (27 CFR 9.232), the soils belong to the Cole-Clear Lake Variant-Clear Lake general soil map unit. To the west of the proposed AVA, the soils are from the Millsholm-Skyhigh-Bressa soil map unit and then transition to the Maymen-Etsel soil map unit in the higher elevations of the Mayacamas Mountains.

Climate

The petition for the proposed Upper Lake Valley AVA included information on the climate of the region, including rainfall, frost-free days, wind, and growing degree days.

Rainfall. According to the petition, rainfall amounts in Lake County vary greatly due to the rapid changes in topography between the higher elevations of the Mayacamas Mountains in the western portion of the county and the lower elevations of Bachelor, Middle Creek, and Clover Creek Valleys, where the proposed AVA is located. The table below shows the average annual rainfall amounts for the weather station in Upper Lake, California, which is within the proposed AVA, for the years 2011 through 2016. The data was collected by the Western Weather Group [16] on behalf of the Lake County Winegrape Commission. Data was unavailable for 2013.

TABLE 1—AVERAGE ANNUAL RAINFALL AMOUNTS FOR UPPER LAKE WEATHER STATION

Year	Rainfall amount (inches)
2016	41.43.
2015	20.53.
2014	38.34.
2013	unavailable.
2012	41.08.
2011	28.43.

The average annual rainfall amount for the available years was 33.96. The petition states that, although rainfall data was not available from the weather station for 2013, the average rainfall amounts for the available years is comparable to the average rainfall recorded by the Western Region Climate Center [17] for the period of January 1, 1893, through November 12, 2006, which is 34.09 inches.

The petition also included annual predicted rainfall amounts for the Upper Lake Groundwater Basin, where the proposed AVA is located, and the surrounding groundwater basins. The data shows that annual predicted rainfall amounts for the Upper Lake Groundwater Basin are higher than the predicted amounts for each of the surrounding basins, except for the basin to the north of the proposed AVA.

TABLE 2—ANNUAL PREDICTED RAINFALL AMOUNTS [18]

Basin name	Direction from proposed AVA	Rainfall amounts (inches)
Upper Lake Basin	Within	35–43
Big Valley Basin	South	22–35
High Valley Basin	East	27–35
Scotts Valley Basin	West	31–35
Gravelly Valley Basin	North	49

The petition states that the high annual rainfall amounts in the proposed Upper Lake Valley AVA recharge the Upper Lake Groundwater Basin, which is used for irrigation. The rainfall amounts are also sufficient during the growing season to provide hydration for grapevines. The petition states that grapes require an average of 8 to 11 acre inches of water per year in order to successfully produce and ripen fruit.[19]

Frost-free days. According to the petition, the growing season, which is broadly defined as the number of days between the last frost event in the spring and the first frost event in the fall, is an important indicator for successful wine grape cultivation. The following table shows the median, maximum, and minimum number of frost-free days recorded at the Upper Lake climate station from 2011 through 2016,[20] as well as from the seven established AVAs in Lake County, which were derived from the 1971–2000 climate normals.[21] Data was not provided for the region to the north of the proposed AVA.

TABLE 3—FROST-FREE DAYS

AVA name (direction from proposed AVA)	Median	Maximum	Minimum
Upper Lake Valley	202	232	172
Big Valley District–Lake County (South)	195	228	190
Kelsey Bench–Lake County (South)	198	227	192
Clear Lake (Encompasses)	200	260	174
Guenoc Valley (Southeast)	216	261	211
High Valley (East)	236	255	190

[16] *http://www.westernwx.com/LakeCo/.*

[17] *www.wrcc.dri.edu/cgi-bin/cliMAIN.pl?ca9173.*

[18] California Department of Water Resources. *California's Ground Water Bulletin 118.* California Department of Water Resources: 1975. Updated 2004.

[19] Ryan Keiffer, Agricultural Technician, UCCE Mendocino, and Dr. Broc Zoller, Pest Control Advisor, Kelseyville. *Vineyard Water Use in Lake County, California.* December 1, 2014.

[20] Data collected by the Western Weather Group on behalf of the Lake County Winegrape Commission; see *http://www.westernwx.com/LakeCo/.*

[21] Jones, G. V. (2014). Climate Characteristics for Winegrape Production in Lake County, California. Open Report to the Lake County Winegrape Commission. p. 14.

TABLE 3—FROST-FREE DAYS—Continued

AVA name (direction from proposed AVA)	Median	Maximum	Minimum
Red Hills Lake County (South)	241	255	194
Benmore Valley (West)	248	250	243

The data in the table indicates that the proposed Upper Lake Valley AVA has substantially shorter median, maximum, and minimum frost-free periods than the established AVAs to the east, southeast, and west, and a longer frost-free period than the established AVAs to the south, except for the Red Hills Lake County AVA (27 CFR 9.169). The proposed AVA has a frost-free period similar in length to that of the Clear Lake AVA, which encompasses the proposed AVA and also includes the Big Valley District–Lake County (27 CFR 9.232), Kelsey Bench–Lake County (27 CFR 9.233), High Valley (27 CFR 9.189), and Red Hills Lake County AVAs.

The petition states that the length of the frost-free period for a region impacts viticulture. Spring frosts that occur after bud break can cause tender shoots and forming grape clusters to burn and die, resulting in crop loss and lower yields. Early fall frosts impact the ability of sugar levels in the grapes to reach a desirable Brix level.

Wind. The petition states that the winds in the proposed Upper Lake Valley AVA are influenced by the mountains that lie to the west, north, and east, and by Clear Lake to the south. Winds within the proposed AVA are predominantly from the south-southeast or north during the daytime and from the north during the night. Wind speeds within the proposed AVA are lower than within many other parts of Lake County, but the winds are frequent during both the day and night. Winds are calm (below 1 mile per hour) only 2.23 percent of the time during daytime hours and 3.04 percent of the time during nighttime hours.[22] The highest daytime wind speeds range from 11 to 20 miles per hour but only occurred 1.25 percent of the time. Wind speeds between 1 and 5 miles per hour accounted for 82.88 of the daytime wind speeds. Nighttime wind speeds were also mostly between 1 and 5 miles per hour, accounting for 88.86 of the nighttime wind speeds. Wind speeds above 20 miles per hour were not recorded within the proposed AVA.

The petition included wind speed information from the Kelsey Bench–Lake County, Red Hills Lake County, and Guenoc Valley AVAs (27 CFR 9.26) for comparison. That information is presented in the table below and was collected from the same time period as the wind speed data from the proposed AVA. TTB notes that none of the surrounding region had wind speeds above 30 miles per hour.

TABLE 4—DAYTIME WIND SPEED DATA FOR SURROUNDING REGIONS

Region (direction from proposed AVA)	Frequency of wind speed (percent)				
	<1 mile per hour	1–5 miles per hour	6–10 miles per hour	11–20 miles per hour	21–30 miles per hour
Kelsey Bench–Lake County (South)	8.44	64.02	22.08	5.46	0
Red Hills Lake County (South)	5.21	71.22	21.34	2.23	0
Guenoc Valley (Southeast)	10.89	77.23	7.43	3.96	0.5

TABLE 5—NIGHTTIME WIND SPEED DATA FOR SURROUNDING REGIONS

Region (direction from proposed AVA)	Frequency of wind speed (percent)				
	<1 mile/hour	1–5 miles/hour	6–10 miles/hour	11–20 miles/hour	21–30 miles/hour
Kelsey Bench-Lake County (South)	12.66	69.87	11.90	5.06	0.51
Red Hills Lake County (South)	11.42	65.23	21.83	1.52	0
Guenoc Valley (Southeast)	10.89	77.23	7.43	3.96	0.5

Although the predominant daytime and nighttime wind speeds in the proposed AVA and the surrounding regions were between 1 and 5 miles per hour, the proposed Upper Lake Valley had the greatest percent of wind speeds within that range. The proposed AVA also had the smallest percentage of calm winds, defined as wind speeds of less than 1 mile per hour. The proposed AVA also did not record any wind speeds over 20 miles per hour, whereas the Kelsey Bench–Lake County AVA recorded daytime wind speeds over 20 miles per hour and the Guenoc Valley AVA recorded both daytime and nighttime wind speeds over 20 miles per hour.

The petition states that air movement keeps the fruit and canopies cool and dry. In this way, the air movement plays a key role by preventing mildew and other pests in the vineyard and translates to a lesser need for application of pesticides.

Heat summation. The petition provided information on the heat summation values of the proposed Upper Lake Valley AVA and the surrounding regions. Heat summation is calculated as the sum of the mean monthly temperature above 50 degrees Fahrenheit (F) during the growing season from April 1 to October 31 and is expressed as growing degree days

[22] Data collected by the Western Weather Group from 2008–2013.

(GDDs). A baseline of 50 degrees F is used because there is almost no shoot growth below this temperature.[23] The following table is derived from information in the petition and shows the median, maximum, and minimum GDD accumulations for the proposed Upper Lake Valley AVA and the surrounding regions.[24] GDD information was not provided for the region to the north of the proposed AVA.

TABLE 6—GROWING DEGREE DAYS

Region (direction from proposed AVA)	Median	Maximum	Minimum
Proposed AVA	3,158	3,343	2,809
Clear Lake (Encompasses)	3,267	3,811	2,799
High Valley (East)	3,548	3,755	3,139
Guenoc Valley (Southeast)	3,481	3,796	3,420
Big Valley District–Lake County (South)	3,245	3,281	3,171
Kelsey Bench–Lake County (South)	3,250	3,593	3,189
Red Hills Lake County (South)	3,595	3,753	3,155
Benmore Valley (West)	3,248	3,332	3,155

According to the data in the table, the proposed Upper Lake Valley AVA has a lower median GDD accumulation than each of the surrounding regions for which data was provided. The maximum GDD accumulation for the proposed AVA is lower than each of the regions except for the Big Valley District–Lake County AVA to the south and the Benmore Valley AVA to the west. The minimum GDD accumulation for the proposed AVA is also lower than each of the surrounding regions except for the larger Clear Lake AVA, which encompasses the proposed AVA as well as the Big Valley District–Lake County, Kelsey Bench–Big Valley, and Red Hills Lake County AVAs and most of the High Valley AVA.

The petition states that GDD accumulations are an important factor in predicting a site's suitability for growing specific grape varieties. Varietals that require warmer climates in order to ripen will do better in regions with higher GDD accumulations. The petition states that the moderate climate of the proposed AVA makes it suitable for growing a variety of grapes, including Sauvignon Blanc.

Summary of Distinguishing Features

In summary, the hydrogeology, soils, and climate of the proposed Upper Lake Valley AVA distinguish it from the surrounding regions. The following table summarizes the distinguishing features of the proposed AVA and compares them to the features of the surrounding regions.

TABLE 7—SUMMARY OF DISTINGUISHING FEATURES

Region	Hydrogeology	Soils	Climate
Proposed AVA	Upper Lake Groundwater Basin; high iron, manganese, and calcium levels; groundwater levels generally within 10 feet of the surface, with minimal seasonal fluctuations; low levels of dissolved solids.	Millsholm–Skyhigh–Bressa, Still–Lupoyoma, and Tulelake–Fluvaquentic–Haplawuolls soil map units; moderately deep to very deep; poorly drained to well-drained.	Average annual rainfall of 35–43 inches; median frost-free period of 202 days; wind speeds predominantly between 1 and 5 mph, are calm 2.23–3.04 percent of the time, and do not exceed 20 mph; median GDD accumulations of 3,158.
North	Gravelly Valley Groundwater Basin.	Maymen–Etsel and Sanhedrin–Speaker–Kekawaka soil map units; contain outcroppings of large stones.	Average annual rainfall of 49 inches; other climate data not available.
East	High Valley Groundwater Basin; high levels of ammonia, phosphorous, chloride, iron, boron, and manganese; groundwater levels 10 to 30 feet below the surface, with seasonal fluctuations and incidences of slow recovery after periods of drought.	Maymen–Estel, Sobrante–Guenoc–Hambright, and Sanhedrin–Speaker–Kekawaka soil map units; found on very steep slopes.	Average annual rainfall of 27–35 inches; longer frost-free period; winds are more frequently calm but do exceed 20 mph; higher median GDD accumulations.
South	Big Valley Groundwater Basin; boron is an impairment in some parts of the basin; groundwater levels vary between northern and southern parts of the basin but are generally deeper than within proposed AVA and have greater seasonal fluctuations.	Cole–Clear Lake Variant–Clear Lake soil map unit.	Average annual rainfall of 22–35 inches; longer median frost-free period in Red Hills Lake County AVA, and a shorter median frost-free period in Big Valley District–Lake County AVA; winds are more frequently calm but do exceed 20 mph; higher median GDD accumulations.

[23] Albert J. Winkler et al., *General Viticulture* (Berkeley: University of California Press, 2nd ed. 1974), pages 67–71.

[24] The GDD data for the proposed AVA was calculated from data from the weather station in Upper Lake from 2011–2016. The data from the surrounding regions was calculated from 1971–2000 climate normal. See Jones, G.V. (2014). *Climate Characteristics for Winegrape Production in Lake County, California.* Open Report to the Lake County Winegrape Commission. p. 23.

TABLE 7—SUMMARY OF DISTINGUISHING FEATURES—Continued

Region	Hydrogeology	Soils	Climate
West	Scotts Valley Groundwater Basin; iron, manganese, and boron are listed as impairments; groundwater is 10 feet below the surface on the average, with seasonal fluctuations depending on location across the Scotts Valley Basin.	Millsholm–Skyhigh–Bressa soil map unit, transitioning to Maymen–Etsel soil map unit in the higher elevations of the Mayacamas Mountains.	Average annual rainfall of 31–35 inches; longer median frost-free period; wind data not available; higher median GDD accumulations.

Comparison of the Proposed Upper Lake Valley AVA to the Existing Lake County AVA

T.D. ATF–174, which published in the **Federal Register** on May 8, 1984 (49 FR 19466), established the Clear Lake AVA. T.D. ATF–174 cited elevation, climate, and watershed as distinguishing features of the Clear Lake AVA. Elevations for vineyards ranged from 1,300 to 1,800 feet. The Clear Lake AVA has a growing season of 223 days and an average annual rainfall amount of about 37 inches. The AVA is also located within the Clear Lake watershed, which is said to affect the climate patterns of the AVA.

The proposed Upper Lake Valley AVA is located in the northern portion of the Clear Lake AVA and shares some of the same general features. For instance, vineyards in the proposed AVA are planted at elevations between 1,330 and 1,450 feet, which is within the range of vineyard elevations for the Clear Lake AVA. The proposed AVA is also within the Clear Lake watershed, and Clear Lake has a moderating effect on the proposed AVA's climate. However, the proposed Upper Lake Valley AVA petition describes the Clear Lake AVA as having many different microclimates, including the proposed Upper Lake Valley AVA. As a microclimate within the Clear Lake AVA, the proposed AVA has unique characteristics, which may warrant its establishment as a new AVA. For example, the proposed AVA has a shorter median growing season and receives more rainfall annually than the Clear Lake AVA overall. The proposed AVA also has a median heat summation of 3,158 GDDs, while the Clear Lake AVA has a higher overall median heat summation of 3,267 GDDs.

Proposed Modification of the Clear Lake AVA

As previously noted, the petition to establish the proposed Upper Lake Valley AVA also requested an expansion of the established Clear Lake AVA. The proposed Upper Lake Valley AVA is located in the northern portion of the Clear Lake AVA. Most of the proposed Upper Lake Valley AVA, if established, would be located within the current boundary of the Clear Lake AVA. However, unless the boundary of the Clear Lake AVA is modified, a small portion of the proposed Upper Lake Valley AVA, along Scotts Creek, would be outside the Clear Lake AVA.

Currently, the Clear Lake AVA boundary in the vicinity of the proposed AVA and the proposed expansion area follows a straight line drawn from the summit of Griner Peak, south of the proposed AVA, to the summit of Hells Peak, north of the proposed AVA. The portion of the proposed Upper Lake Valley AVA that would be outside the Clear Lake AVA (the ''proposed expansion area'') follows Scotts Creek west of Tule Lake and contains one vineyard. If the proposed modification of the Clear Lake AVA boundary is finalized, the entire proposed Upper Lake Valley AVA would be situated within the Clear Lake AVA.

The petition states that the name ''Clear Lake'' is associated with the proposed expansion area. T.D. ATF–174 noted that Scotts Valley is a prominent growing area within the Clear Lake AVA. The southern portion of Scotts Valley, as well as the portion of Scotts Creek east of Tule Lake, are both currently within the Clear Lake AVA. The proposed expansion area contains the northern portion of Scotts Valley and the portion of Scotts Creek west of Tule Lake. The expansion petition states that because Scotts Valley, and by extension Scotts Creek which runs through the valley, was specifically mentioned in the original Clear Lake AVA petition as a region within the area known as ''Clear Lake,'' the proposed expansion area also meets this criteria to be known as ''Clear Lake.''

T.D. ATF–174 defined elevation, watershed, and climate as the distinguishing features of the Clear Lake AVA. The expansion petition asserts that the proposed expansion area shares these characteristics of the Clear Lake AVA. First, elevations within the Clear Lake AVA range from 1,300 to over 4,000 feet, according to T.D. ATF–174. At the time the AVA was established, most of the vineyards were planted on flat or gently rolling land with elevations between 1,300 and 1,800 feet. The proposed expansion petition states that elevations within the proposed expansion area are similar to those of the Clear Lake AVA. The vineyard within the proposed expansion area is located at approximately 1,360 feet, well within the range of elevations of other vineyards found in the Clear Lake AVA.

T.D. ATF–174 stated that the Clear Lake watershed is an important feature of the Clear Lake AVA because of its effect on the climate within the AVA. The proposed expansion petition included a map of the Clear Lake watershed, which shows that the entirety of Scotts Creek, including the portion within the proposed expansion area, is within the Clear Lake watershed. The map is included as Figure 5 in the petition addendum and is included in the public docket.

Finally, T.D. ATF–174 described the climate of the Clear Lake AVA. Annual rainfall within the established AVA was approximately 37 inches, and the region had a frost-free period of approximately 223 days. Within the Clear Lake AVA, growing degree accumulations placed the northern portion in the Winkler Region II and the southern portion in Winkler Region III, including the portion of Scotts Valley currently within the AVA. According to the proposed expansion petition, the average annual rainfall within the proposed expansion area from 2012 through 2017 was 33.61 inches. Although this is lower than the average annual rainfall amount for the Clear Lake AVA described in T.D. ATF–174, it is within the range of the 2012–2017 rainfall amounts for other locations within the Clear Lake AVA which were included in the expansion petition. Those average amounts ranged from a high of 36.37 at Upper Lake to a low of 23.68 at Kelseyville. Within the proposed expansion area, growing degree accumulations for the period from 2013 to 2016 ranged from 2,985 to 3,364, which places the region in

Winkler Regions II and III, similar to the Clear Lake AVA as described in T.D. ATF–174.

TTB notes that the expansion petition included data on the frost-free period of the proposed expansion area and other regions within the Clear Lake AVA. However, the data suggested that the frost-free period in the proposed expansion area is shorter than that of the Clear Lake AVA. Therefore, based on the data, TTB cannot determine that the frost-free period within the proposed expansion area is the same as within the Clear Lake AVA.

Comparison of the Proposed Upper Lake Valley AVA to the Existing North Coast AVA

The North Coast AVA was established by T.D. ATF–145, published in the **Federal Register** on September 21, 1983 (48 FR 42973). It includes all or portions of Napa, Sonoma, Mendocino, Lake, Marin, and Solano Counties in California. T.D. ATF–145 describes the topography of the North Coast AVA as ''valleys between the coast ranges running parallel to the Pacific Ocean shore and the lower slopes of these ranges.'' GDD accumulations for the North Coast AVA range from Region I to Region III.[25] Average rainfall in the North Coast AVA varies widely, ranging from 24.8 inches in one location in the AVA to 62.2 inches in another part of the AVA.

The proposed Upper Lake Valley AVA shares some of the same general characteristics as the North Coast AVA. The proposed AVA is comprised of valleys between mountainous areas and the lower slopes of the mountains. The GDD accumulations for the proposed AVA classify it as a low Region III. However, the proposed AVA is much more uniform in its climatic features, namely temperature, soils, and topography than the diverse, multicounty North Coast AVA. In this regard, TTB notes that T.D. ATF–145 specifically states that ''approval of this viticultural area does not preclude approval of additional areas, either wholly contained with the North Coast, or partially overlapping the North Coast,'' and that ''smaller viticultural areas tend to be more uniform in their geographical and climatic characteristics, while very large areas such as the North Coast tend to exhibit generally similar characteristics, in this case the influence of maritime air off of the Pacific Ocean and San Pablo Bay.'' Thus, the proposal to establish the Upper Lake Valley AVA is consistent with what was envisioned when the North Coast AVA was established.

[25] *Id.*

TTB Determination

TTB concludes that the petition to establish the 17,360-acre Upper Lake Valley AVA and to concurrently modify the boundary of the established Clear Lake AVA merits consideration and public comment, as invited in this notice of proposed rulemaking.

TTB is proposing the establishment of the new AVA and the modification of the existing AVA as one action. Accordingly, if TTB establishes the proposed Upper Lake Valley AVA, then the proposed boundary modification of the Clear Lake would be approved concurrently. If TTB does not establish the proposed Upper Lake Valley AVA, then the present Clear Lake AVA boundary would not be modified.

Boundary Description

See the narrative description of the boundary of the petitioned-for AVA and the proposed expansion of the Clear Lake AVA in the proposed regulatory text published at the end of this proposed rule.

Maps

The petitioner provided the required maps, and they are listed below in the proposed regulatory text. You may also view the proposed Upper Lake Valley AVA boundary and the proposed expansion of the Clear Lake AVA boundary on the AVA Map Explorer on the TTB website, at *https://www.ttb.gov/wine/ava-map-explorer.*

Impact on Current Wine Labels

Part 4 of the TTB regulations prohibits any label reference on a wine that indicates or implies an origin other than the wine's true place of origin. For a wine to be labeled with an AVA name, at least 85 percent of the wine must be derived from grapes grown within the area represented by that name, and the wine must meet the other conditions listed in § 4.25(e)(3) of the TTB regulations (27 CFR 4.25(e)(3)). If the wine is not eligible for labeling with an AVA name and that name appears in the brand name, then the label is not in compliance and the bottler must change the brand name and obtain approval of a new label. Similarly, if the AVA name appears in another reference on the label in a misleading manner, the bottler would have to obtain approval of a new label. Different rules apply if a wine has a brand name containing an AVA name that was used as a brand name on a label approved before July 7, 1986. See § 4.39(i)(2) of the TTB regulations (27 CFR 4.39(i)(2)) for details.

If TTB establishes this proposed AVA, its name, ''Upper Lake Valley,'' will be recognized as a name of viticultural significance under § 4.39(i)(3) of the TTB regulations (27 CFR 4.39(i)(3)). The text of the proposed regulation clarifies this point. Consequently, wine bottlers using the name ''Upper Lake Valley'' in a brand name, including a trademark, or in another label reference as to the origin of the wine, would have to ensure that the product is eligible to use the AVA name as an appellation of origin if this proposed rule is adopted as a final rule.

The approval of the proposed Upper Lake Valley AVA would not affect any existing AVA, and any bottlers using ''Clear Lake'' or ''North Coast'' as an appellation of origin or in a brand name for wines made from grapes grown within the Clear Lake or North Coast AVAs would not be affected by the establishment of this new AVA. The establishment of the proposed Upper Lake Valley AVA would allow vintners to use ''Upper Lake Valley,'' ''Clear Lake,'' and ''North Coast'' as appellations of origin for wines made from grapes grown within the proposed Upper Lake Valley AVA if the wines meet the eligibility requirements for the appellation. Additionally, vintners would be allowed to use ''Upper Lake Valley,'' ''Clear Lake,'' and ''North Coast'' as appellations of origin for wines made from grapes grown within the proposed Clear Lake AVA expansion area if the wines meet the eligibility requirements for the appellation.

Public Participation

Comments Invited

TTB invites comments from interested members of the public on whether it should establish the proposed AVA and concurrently modify the boundary of the established Clear Lake AVA. TTB is interested in receiving comments on the sufficiency and accuracy of the name, boundary, soils, climate, hydrogeology, and other required information submitted in support of the petition. In addition, given the proposed Upper Lake Valley AVA's location within the existing Clear Lake and North Coast AVAs, TTB is interested in comments on whether the evidence submitted in the petition regarding the distinguishing features of the proposed AVA sufficiently differentiates it from the existing established AVAs. TTB is also interested in comments on whether the geographic features of the proposed AVA are so distinguishable from the surrounding Clear Lake or North Coast AVA that the proposed Upper Lake Valley AVA should no longer be part of

that AVA. Please provide any available specific information in support of your comments.

TTB also invites comments on the proposed expansion of the existing Clear Lake AVA. TTB is specifically interested in receiving comments on the similarity of the proposed expansion area to the established Clear Lake AVA, as well as the differences between the proposed expansion area and the areas outside the Clear Lake AVA. Comments should address the boundaries, elevation, climate, watershed, and any other pertinent information that supports or opposes the proposed Clear Lake AVA boundary expansion.

Because of the potential impact of the establishment of the proposed Upper Lake Valley AVA on wine labels that include the term ''Upper Lake Valley'' as discussed above under Impact on Current Wine Labels, TTB is particularly interested in comments regarding whether there will be a conflict between the proposed AVA name and currently used brand names. If a commenter believes that a conflict will arise, the comment should describe the nature of that conflict, including any anticipated negative economic impact that approval of the proposed AVA will have on an existing viticultural enterprise. TTB is also interested in receiving suggestions for ways to avoid conflicts, for example, by adopting a modified or different name for the AVA.

Submitting Comments

You may submit comments on this notice by using one of the following methods:

- *Federal e-Rulemaking Portal:* You may send comments via the online comment form posted with this notice within Docket No. TTB–2021–0001 on ''*Regulations.gov,*'' the Federal e-rulemaking portal, at *https://www.regulations.gov*. A direct link to that docket is available under Notice No. 200 on the TTB website at *https://www.ttb.gov/wine/wine-rulemaking.shtml*. Supplemental files may be attached to comments submitted via *Regulations.gov*.
- *U.S. Mail:* You may send comments via postal mail to the Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Box 12, Washington, DC 20005.

Please submit your comments by the closing date shown above in this notice. Your comments must reference Notice No. 200, and also must be made in English, be legible, and be written in language acceptable for public disclosure. TTB does not acknowledge receipt of comments, and TTB considers all comments as originals.

In your comment, please clearly state if you are commenting for yourself or on behalf of an association, business, or other entity. If you are commenting on behalf of an entity via *Regulations.gov*, please use the ''organization'' version of the comment form and include the entity's name, as well as your name and position title in the comment. If you comment via postal mail, please submit your entity's comment on letterhead.

You may also write to the Administrator before the comment closing date to ask for a public hearing. The Administrator reserves the right to determine whether to hold a public hearing.

Confidentiality

All submitted comments and attachments are part of the public record and subject to disclosure. Do not enclose any material in your comments that you consider to be confidential or inappropriate for public disclosure.

Public Disclosure

TTB will post, and you may view, copies of this notice, selected supporting materials, and any online or mailed comments received about this proposal within Docket No. TTB–2021–0001 on the Federal e-rulemaking portal, *Regulations.gov,* at *https://www.regulations.gov*. A direct link to that docket is available on the TTB website at *https://www.ttb.gov/wine/wine_rulemaking.shtml* under Notice No. 200. You may also reach the relevant docket through the *Regulations.gov* search page at *https://www.regulations.gov*.

If provided, posted comments will display the commenter's name, organization (if any), city, and State, and, in the case of mailed comments, all address information, including email addresses. TTB may omit voluminous attachments or material that the Bureau considers unsuitable for posting.

You may also obtain copies of this proposed rule, all related petitions, maps and other supporting materials, and any electronic or mailed comments that TTB receives about this proposal at 20 cents per 8.5- x 11-inch page. Please note that TTB is unable to provide copies of USGS maps or any similarly-sized documents that may be included as part of the AVA petition. Contact TTB's Regulations and Rulings Division by email using the web form at *https://www.ttb.gov/contact-rrd,* or by telephone at 202–453–1039, ext. 175, to request copies of comments or other materials.

Regulatory Flexibility Act

TTB certifies that this proposed regulation, if adopted, would not have a significant economic impact on a substantial number of small entities. The proposed regulation imposes no new reporting, recordkeeping, or other administrative requirement. Any benefit derived from the use of a viticultural area name would be the result of a proprietor's efforts and consumer acceptance of wines from that area. Therefore, no regulatory flexibility analysis is required.

Executive Order 12866

It has been determined that this proposed rule is not a significant regulatory action as defined by Executive Order 12866 of September 30, 1993. Therefore, no regulatory assessment is required.

Drafting Information

Karen A. Thornton of the Regulations and Rulings Division drafted this notice of proposed rulemaking.

List of Subjects in 27 CFR Part 9

Wine.

Proposed Regulatory Amendment

For the reasons discussed in the preamble, TTB proposes to amend title 27, chapter I, part 9, Code of Federal Regulations, as follows:

PART 9—AMERICAN VITICULTURAL AREAS

■ 1. The authority citation for part 9 continues to read as follows:

Authority: 27 U.S.C. 205.

■ 2. Amend § 9.99 by:
■ a. Removing the period at the end of paragraph (b)(4) and adding a semicolon in its place;
■ b. Adding paragraph (b)(5);
■ c. Redesignating paragraphs (c)(11) through (c)(17) as paragraphs (c)(15) through (c)(21); and
■ d. Adding new paragraphs (c)(11) through (c)(14).

The additions read as follows:

§ 9.99 Clear Lake.

* * * * *

(b) * * *

(5) ''Upper Lake Quadrangle, California,'' 7.5 minute series, 1996.

(c) * * *

(11) Then southeasterly in a straight line, crossing onto the Upper Lake quadrangle, to the intersection of the 1,600-foot elevation contour and an unnamed 4-wheel drive road in Section 9, T15N/R10W;

(12) Then northwesterly, then southwesterly along the 1,600-foot

elevation contour to a point in Section 8, T15N/R10W, that is due north of the westernmost structure in a row of three structures located south of Scotts Creek;

(13) Then south in a straight line, crossing over Scotts Creek and the westernmost structure, to the intersection with an unnamed, unimproved road and the 1,600-foot elevation contour in Section 17, T15N/R10W;

(14) Then generally east along the 1,600-foot elevation contour to its second intersection with an unnamed, unimproved road in section 15, T15N/R10W;

* * * * *

■ 3. Subpart C is amended by adding § 9.to read as follows:

Subpart C—Approved American Viticultural Areas

§ 9._____ Upper Lake Valley.

(a) *Name.* The name of the viticultural area described in this section is ''Upper Lake Valley''. For purposes of part 4 of this chapter, ''Upper Lake Valley'' is a term of viticultural significance.

(b) *Approved maps.* The four United States Geological Survey (USGS) 1:24,000 scale topographic maps used to determine the boundary of the Upper Lake Valley viticultural area are titled:

(1) Lakeport, 1958; photorevised 1978; minor revision 1994;

(2) Upper Lake, 1996;

(3) Bartlett Mountain, 1996; and

(4) Lucerne, 1996.

(c) *Boundary.* The Upper Lake Valley viticultural area is located in Lake County, California. The boundary of the Upper Lake Valley viticultural area is as described below:

(1) The beginning point is on the Lakeport map at the intersection of Lyons Creek and the western shore of Clear Lake in Section 31, T15N/R9W. From the beginning point, proceed south in a straight line to an unnamed light-duty road known locally as Lafferty Road; then

(2) Proceed west along Lafferty Road to its intersection with an unnamed secondary highway known locally as Lakeshore Boulevard; then

(3) Proceed north on Lakeshore Boulevard to its intersection with an unnamed light-duty road known locally as Whalen Way; then

(4) Proceed west on Whalen Way to its intersection with State Highway 29; then

(5) Proceed north on State Highway 29, crossing onto the Upper Lake map, to the intersection of the highway and the southern boundary of Section 13, T15N, R10W; then

(6) Proceed west along the southern boundary of Sections 13 and 14 to the intersection of the southern boundary of Section 14 with the 1,600-foot elevation contour; then

(7) Proceed in a generally northwesterly direction along the meandering 1,600-foot elevation contour to its intersection with an unnamed, unimproved road in Section 17, T15N/R10W; then

(8) Proceed north in a straight line, crossing Scotts Creek, to the 1,600-foot elevation contour in Section 8, T15N/R10W; then

(9) Proceed northeasterly, then southeasterly along the 1,600-foot elevation contour to its intersection with an unnamed 4-wheel drive road in Section 9, T15N/R10W; then

(10) Proceed northwest in a straight line to the marked 2,325-foot elevation point on Hell's Peak; then

(11) Proceed southeast in a straight line to the intersection of the 1,600-foot elevation contour and the southern boundary of Section 30 along the Mendocino National Forest boundary, T16N/R9W; then

(12) Proceed southeast along the meandering 1,600-foot elevation contour to its third intersection with the Mendocino National Forest boundary, along the eastern boundary of Section 31, T16N/R9W; then

(13) Proceed south, then west along the Mendocino National Forest boundary to its intersection with the 1,600-foot elevation contour along the northern boundary of Section 5, T15N/R9W; then

(14) Proceed southeasterly along the meandering 1,600-foot elevation contour, crossing onto the Bartlett Mountain map, to the intersection of the 1,600-foot elevation contour and the Mendocino National Forest boundary along the eastern boundary of Section 9, T15N/9RW; then

(15) Proceed south, then east along the Mendocino National Forest boundary to its intersection with the 1,600-foot elevation contour along the northern boundary of Section 15, T15N/R9W; then

(16) Proceed south, then northwest along the meandering 1,600-foot elevation contour, crossing onto the Upper Lake map, and continuing southeasterly along the 1,600-foot elevation contour crossing back and forth between the Bartlett Mountain map and the Upper Lake map, to the intersection of the 1,600-foot elevation contour and an unimproved 4-wheel drive road in Section 21, T15N/R9W; then

(17) Continue southeast along the 1,600-foot elevation contour, crossing onto the Lucerne map, to the intersection of the 1,600-foot elevation contour and an unimproved 4-wheel drive road in Section 36, T15N/R9W; then

(18) Proceed south in a straight line to the shoreline of Clear Lake; then

(19) Proceed northeasterly along the shoreline of Clear Lake, crossing onto the Lakeport map, and continuing southwesterly along the shoreline, crossing Rodman Slough, to return to the beginning point.

Signed: January 25, 2021.

Mary G. Ryan,

Administrator.

Approved: March 24, 2021.

Timothy E. Skud,

Deputy Assistant Secretary (Tax, Trade, and Tariff Policy).

[FR Doc. 2021–07626 Filed 4–15–21; 8:45 am]

BILLING CODE 4810–31–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 15, 25, 27, and 101

[WT Docket No. 20–443; GN Docket No. 17–183; DA 21–370; FR ID 20758]

Expanding Flexible Use of the 12.2–12.7 GHz Band

AGENCY: Federal Communications Commission.

ACTION: Proposed rule, extension of comment and reply comment period.

SUMMARY: In this document, the Federal Communications Commission (Commission) extends the comment and reply comment period of the *Notice of the Proposed Rulemaking* of the proceeding that was released on January 15, 2021.

DATES: The deadline for filing comments is extended to May 7, 2021, and the deadline for filing reply comments is extended to June 7, 2021.

ADDRESSES: You may submit comments, identified by WT Docket No. 20–443 and GN Docket No. 17–183, by any of the following methods:

- *Electronic Filers:* Comments may be filed electronically using the internet by accessing the ECFS: *https://www.fcc.gov/ecfs.*
- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

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. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID–19.
- During the time the Commission's building is closed to the general public and until further notice, if more than one docket or rulemaking number appears in the caption of a proceeding, paper filers need not submit two additional copies for each additional docket or rulemaking number; an original and one copy are sufficient.

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).

FOR FURTHER INFORMATION CONTACT: Madelaine Maior of the Wireless Telecommunications Bureau, Broadband Division, at 202–418–1466 or *Madelaine.Maior@fcc.gov;* or Simon Banyai of the Wireless Telecommunications Bureau, Broadband Division, at 202–418–1443 or *Simon.Banyai@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Order* in WT Docket No. 20–443; DA 21–370, adopted and released March 29, 2021. The full text of this document,[1] visit FCC's website at *https://docs.fcc.gov/public/attachments/FCC-21-13A1.pdf* or via the FCC's Electronic Comment Filing System (ECFS) website at *http://www.fcc.gov/ecfs.* (Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat.) Alternative formats are available for people with disabilities (braille, large print, electronic files, audio format), by sending an email to *fcc504@fcc.gov* or calling the Commission's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

I. Background

1. On January 15, 2021, the Commission released a *NPRM* seeking input on the feasibility of allowing flexible-use services in the 12.2–12.7 GHz band (12 GHz band) while protecting incumbents from harmful interference.[2] The *NPRM* set deadlines for filing comments and reply comments of April 7, 2021, and May 7, 2021, respectively.

2. On March 19, 2021, the Computer & Communications Industry Association (CCIA), INCOMPAS, Open Technology Institute at New America, and Public Knowledge (''Movants'') filed a motion for a 30-day extension of the these filing deadlines, such that comments would be due May 7, 2021, and reply comments would be due June 7, 2021.[3] The Movants state that the *NPRM* solicits comment on important factual, legal, technical and policy issues that require thorough analyses from engineers, lawyers, and consultants and will take time to substantively address.[4] Movants further assert that no party will be prejudiced by granting the Motion and that authorizing additional time potentially will allow all interested parties to (1) more fully develop their responses to the Commission's *NPRM,* leading to a better record; and (2) more fully explore the applicability to the 12 GHz band of sharing solutions developed for use in other frequency bands.[5] The Movants aver that good cause exists for granting the Motion and that doing so would be consistent with past precedent.[6] Parties filing responses to this Motion (Respondents) either support or do not object to a 30-day extension and no opposition has been filed.[7]

3. The Commission grants the Motion for Extension of Time. As set forth in § 1.46 of the Commission's rules,[8] the Commission does not routinely grant extensions of time for filing comments in rulemaking proceedings. In this case, however, The Commission finds good cause for granting an extension of the comment and reply comment periods for reasons identified by the Movants and the Respondents. Specifically, the Commission concludes that extension of the comment and reply deadlines to May 7, 2021, and June 7, 2021, respectively, is warranted to provide commenters with additional time to prepare comments and reply comments that fully respond to the complex economic, engineering, and policy issues raised in the *NPRM.*

II. Ordering Clauses

4. Accordingly, *it is ordered* that, pursuant to § 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), and 0.131, 0.331, and 1.46 of the Commission's rules, 47 CFR 0.131, 0.331, and 1.46, the Motion for Extension of Time filed by CCIA, INCOMPAS, Open Technology Institute at New America, Public Knowledge *is granted.*

5. *It is further ordered* that the deadlines to file comments and reply comments in this proceeding *are granted* to May 7, 2021, and June 7, 2021, respectively.

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[1] *Expanding Flexible Use of the 12.2–12.7 GHz Band, Order, DA 21–370.*

[2] *See Expanding Flexible Use of the 12.2–12.7 GHz Band, et al.,* WT Docket No. 20–443, *Notice of Proposed Rulemaking, FCC 21–13,* 2021 WL 228049 (Jan. 15, 2021) (*NPRM*). The comment and reply comment deadlines were set at 30 and 60 days after publication in the **Federal Register**, which occurred on March 8, 2021. *See* Federal Communications Commission, *Expanding Flexible Use of the 12.2–12.7 GHz Band,* 86 FR 13266 (Mar. 8, 2021).

[3] *See* Motion of CCIA et al. for Extension of Time, WT Docket No. 20–443, et al., at 1 (filed Mar. 19, 2021), *https://ecfsapi.fcc.gov/file/103190996020555/Joint%20Motion%20for%20Extension%20-%2012%20GHz%20(3.19.21).pdf* (Motion).

[4] *Id.* at 2–3 (Movants state that that this is especially so for organizations that represent an array of interests that also have been working diligently on the implementation of COVID–19-relief programs that are critical for the nation).

[5] *Id.*

[6] *Id.* & n.7 (citing *Implementation of State and Local Governments' Obligation to Approve Certain Wireless Facility Modification Requests Under § 6409(a) of the Spectrum Act of 2012; Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment,* Order Granting Extension of Time, 34 FCC Rcd 8660, 8660, para. 3 (2019)); *see also id.* at 2–3 & n.8 (citing *Commission Staff Requests That Interested Parties Supplement the Record on Draft Interference Rules for Wireless Communications Service and Satellite Digital Audio Radio Service,* Order Extending Comment Period, 25 FCC Rcd 3642, 3643–44, para. 5 (2010)).

[7] *See* Ruth Pritchard-Kelly, Senior Advisor, ONEWEB, *et al.,* (''12 GHz Alliance'') to Marlene H. Dortch, Secretary, FCC, at 1 (Mar. 23, 2021); David Goldman, Director of Satellite Policy, Space Exploration Technologies Corp., to Marlene H. Dortch, Secretary, FCC, at 1 (Mar. 22, 2021). The 12 GHz Alliance does not object to the Motion but requests suspension of comment and reply comment deadlines until RS Access, LLC, provides certain technical analyses referenced in a filing by RS Access. *See, e.g.,* Letter from Trey Hanbury, Counsel to RS Access, LLC, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 20–443, Attachment at 1 (filed Feb. 8, 2021) (stating that its ''preliminary engineering analysis indicates that spectrum sharing with SpaceX and other NGSO FSS licensees is feasible''); Letter from Trey Hanbury, Counsel to RS Access, LLC, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 20–443, at 3 (filed Feb. 26, 2021); Letter from Trey Hanbury, Counsel to RS Access, LLC, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 20–443, at 2 (filed Feb. 19, 2021); Letter from Trey Hanbury, Counsel to RS Access, LLC, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 20–443, at 2 (filed Mar. 15, 2021). The Commission declines to take this action, which may be rendered moot by its grant of the instant Motion.

[8] 47 CFR 1.46.

List of Subjects in 47 CFR Parts 2, 15, 25, 27 and 101

Communications equipment, Radio, Reporting and recordkeeping requirements.

Federal Communications Commission.

Amy Brett,

Acting Chief of Staff, Wireless Telecommunications Bureau.

[FR Doc. 2021–07816 Filed 4–15–21; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register
Vol. 86, No. 72
Friday, April 16, 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

Agricultural Marketing Service

[Doc. No. AMS–SC–19–0103, SC–20–326]

Termination of U.S. Consumer Standards

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final notice.

SUMMARY: The Agricultural Marketing Service (AMS) of the Department of Agriculture (USDA) is terminating the following 10 U.S. Consumer Standards: The U.S. Consumer Standards for Italian Sprouting Broccoli, U.S. Consumer Standards for Fresh Carrots, U.S. Consumer Standards for Celery Stalks, U.S. Consumer Standards for Husked Corn on the Cob, U.S. Consumer Standards for Fresh Kale, U.S. Consumer Standards for Fresh Spinach Leaves, U.S. Consumer Standards for Brussels Sprouts, U.S. Consumer Standards for Fresh Parsnips, U.S. Consumer Standards for Fresh Turnips, and U.S. Consumer Standards for Beet Greens. This action is part of USDA's work to eliminate regulations that are outdated, unnecessary, ineffective, or impose costs that exceed benefits.

DATES: Applicable May 17, 2021.

FOR FURTHER INFORMATION CONTACT: David G. Horner, USDA, Specialty Crops Inspection Division, 100 Riverside Parkway, Suite 101, Fredericksburg, VA 22406; phone (540) 361–1120; fax (540) 361–1199; or, email *Dave.Horner@usda.gov*.

SUPPLEMENTARY INFORMATION: Section 203(c) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627), as amended, directs and authorizes the Secretary of Agriculture ''to develop and improve standards of quality, condition, quantity, grade, and packaging, and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices.''

AMS is committed to carrying out this authority in a manner that facilitates the marketing of agricultural commodities and makes copies of official standards available upon request. The U.S. Standards for Grades of Fruits and Vegetables that no longer appear in the Code of Federal Regulations are maintained by AMS at *http://www.ams.usda.gov/grades-standards*. AMS is terminating these 10 U.S. consumer standards using the procedures that appear in part 36 of Title 7 of the Code of Federal Regulations (7 CFR part 36).

Background

AMS continually reviews all fruit and vegetable grade standards to ensure their usefulness to the industry, modernize language, and remove duplicative terminology. AMS identified 10 U.S. consumer standards that are not related to a current active marketing order, import regulation, or export act and are obsolete. The consumer standards were originally developed for re-packers and were never fully adopted by industry, which instead uses U.S. grade standards, which are revised regularly to reflect current industry practices. In September 2019, AMS sent letters to the Food Marketing Institute, Grocery Manufacturers Association, Produce Manufacturers Association, and United Fresh Produce Association to ask if the U.S. Consumer Standards referenced above were still used by their members. The response was unanimous in that these standards were no longer in use.

On October 28, 2020, AMS published a proposed notice to remove the referenced Consumer Standards in the **Federal Register** (85 FR 68285). Four comments were submitted. Three concurred with the proposal. One asked USDA to postpone the revision until after the new Administration takes office.

AMS has determined these consumer standards cause confusion within the industry due to their conflicting and outmoded grades and terminology. They are ineffective, unnecessary, and have become a burden to the U.S. and global produce industries. The comment presented no compelling reason to postpone terminating these consumer standards.

Therefore, AMS is terminating the following 10 U.S. consumer standards: U.S. Consumer Standards for Italian Sprouting Broccoli, U.S. Consumer Standards for Fresh Carrots, U.S. Consumer Standards for Celery Stalks, U.S. Consumer Standards for Husked Corn on the Cob, U.S. Consumer Standards for Fresh Kale, U.S. Consumer Standards for Fresh Spinach Leaves, U.S. Consumer Standards for Brussels Sprouts, U.S. Consumer Standards for Fresh Parsnips, U.S. Consumer Standards for Fresh Turnips, and U.S. Consumer Standards for Beet Greens. The elimination of these U.S. Consumer Standards will reduce obsolete information, lessen confusion in interpreting grade standards, and promote consistency within the industry.

Authority: 7 U.S.C. 1621–1627.

Bruce Summers,

Administrator, Agricultural Marketing Service.

[FR Doc. 2021–07819 Filed 4–15–21; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

U.S. Codex Office

Codex Alimentarius Commission: Meeting of the Codex Committee on Pesticide Residues

AGENCY: U.S. Codex Office, USDA.

ACTION: Notice of public meeting and request for comments.

SUMMARY: The U.S. Codex Office is sponsoring a public meeting on June 17, 2021. The objective of the public meeting is to provide information and receive public comments on agenda items and draft United States (U.S.) positions to be discussed at the 52nd Session of the Codex Committee on Pesticide Residues (CCPR) of the Codex Alimentarius Commission, which will convene virtually on July 26–31, 2021. The U.S. Manager for Codex Alimentarius and the Acting Deputy Under Secretary for Trade and Foreign Agricultural Affairs recognize the importance of providing interested parties the opportunity to obtain background information on the 52nd Session of the CCPR and to address items on the agenda.

DATES: The public meeting is scheduled for June 17, 2021, from 1:00–3:00 EDT.

ADDRESSES: The public meeting will take place via Video Teleconference only. Documents related to the 52nd Session of the CCPR will be accessible via the internet at the following address: *http://www.fao.org/fao-who-codexalimentarius/meetings/detail/en/?meeting=CCPR&session=52.* CAPT David Miller, U.S. Delegate to the 52nd Session of the CCPR, invites U.S. interested parties to submit their comments electronically to the following email address: *miller.davidj@epa.gov.* Registration: Attendees may register to attend the virtual public meeting here: *https://www.zoomgov.com/meeting/register/vJIsdO2spz8sH8hmjG-maF8BYauGrD4GaQY* or by emailing CAPT David Miller(*miller.davidj@epa.gov*) by June 14, 2021.

FOR FURTHER INFORMATION CONTACT:

For Further Information about the 52nd Session of the CCPR, contact U.S. Delegate, CAPT David Miller Chief, Chemistry and Exposure Branch, Health Effects Division, Office of Pesticide Programs at Email: *miller.davidj@epa.gov* or Phone: +1 (703)328–8755.

For Further Information about the public meeting Contact: U.S. Codex Office, 1400 Independence Avenue SW, Room 4861, South Agriculture Building, Washington, DC 20250. Phone (202) 720 7760, Fax: (202) 720–3157, Email: *uscodex@usda.gov*.

SUPPLEMENTARY INFORMATION:

Background

Codex was established in 1963 by two United Nations organizations, the Food and Agriculture Organization and the World Health Organization. Through adoption of food standards, codes of practice, and other guidelines developed by its committees and by promoting their adoption and implementation by governments, Codex seeks to protect the health of consumers and ensure fair practices in the food trade.

The Terms of Reference of the CCPR are:

(a) to establish maximum limits for pesticide residues in specific food items or in groups of food;

(b) to establish maximum limits for pesticide residues in certain animal feeding stuffs moving in international trade where this is justified for reasons of protection of human health;

(c) to prepare priority lists of pesticides for evaluation by the Joint FAO/WHO Meeting on Pesticide Residues (JMPR);

(d) to consider methods of sampling and analysis for the determination of pesticide residues in food and feed;

(e) to consider other matters in relation to the safety of food and feed containing pesticide residues; and,

(f) to establish maximum limits for environmental and industrial contaminants showing chemical or other similarity to pesticides, in specific food items or groups of food.

The CCPR is hosted by China. The United States attends the CCPR as a member country of Codex.

Issues to be Discussed at the Public Meeting

The following items on the Agenda for the 52nd Session of the CCPR will be discussed during the public meeting:

- Adoption of the Agenda
- Appointment of Rapporteurs
- Matters referred to CCPR by CAC and/or other subsidiary bodies
- Matters of interest arising from FAO and WHO
- Matters of interest arising from other international organizations
- Report on items of general consideration arising from the 2019 JMPR extraordinary and regular meetings
- Report on responses to specific concerns raised by CCPR arising from the 2019 JMPR regular meeting
- Proposed MRLs for pesticides in food and feed
- Revision of the Classification of Food and Feed
  - Class C—Primary feed commodities including issues related to fodder commodities

  Type 11: Primary feed commodities of plant origin Proposed:
  - Group 050: Legume feed products
  - Group 051: Cereal grains and grasses (including pseudocereals) feed products
  - Group 052: Miscellaneous feed products
  - Class D—Processed foods of plant origin, all types in Class D, proposed groups in different types
  - Proposed tables on examples of representative commodities for commodity groups in different types under Class C and Class D (for inclusion in the *Principles and Guidance for the Selection of Representative Commodities for the Extrapolation of MRLs for Pesticides to Commodity Groups* (CXG 84–2012))
  - Impact of the revised types in Class C and Class D on CXLs
  - Class B—Primary food commodities of animal origin Harmonization of meat mammalian maximum residue limits between CCPR and CCRVDF
  - Impact of the revised types in Class A on CXLs in the Database
- Proposed draft Guidelines for compounds of low public health concern that could be exempted from the establishment of CXLs
- Discussion paper on the opportunity to revise the *Guidelines on the Use of Mass Spectrometry for the Identification, Confirmation and Quantitative Determination Of Pesticide Residues*(CXG 56–2005)
- Discussion paper on monitoring the purity and stability of certified reference material of multi-class pesticides during prolonged storage
- Discussion paper on the review of the International Estimate of Short-Term Intake (IESTI) equations
- Discussion paper on opportunities and challenges for the JMPR participation in an international review of a new compound
- Discussion paper on the management of unsupported compounds
- National registrations of pesticides
- Establishment of Codex Schedules and Priority Lists of Pesticides
- Other Business and Future Work

Public Meeting

At the June 17, 2021, public meeting, draft U.S. positions on the agenda items will be described and discussed, and attendees will have the opportunity to pose questions and offer comments. Written comments may be offered at the meeting or sent to CAPT David Miller, U.S. Delegate for the 52nd Session of the CCPR (see **ADDRESSES**). Written comments should state that they relate to activities of the 52nd Session of the CCPR.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, the U.S. Codex Office will announce this **Federal Register** publication on-line through the USDA web page located at: *http://www.usda.gov/*codex, a link that also offers an email subscription service providing access to information related to Codex. Customers can add or delete their subscription themselves and have the option to password protect their accounts.

USDA Non-Discrimination Statement

No agency, officer, or employee of the USDA shall, on the grounds of race, color, national origin, religion, sex, gender identity, sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, or political beliefs, exclude from participation in, deny the benefits of, or subject to

discrimination any person in the United States under any program or activity conducted by the USDA.

How To File a Complaint of Discrimination

To file a complaint of discrimination, complete the USDA Program Discrimination Complaint Form, which may be accessed online at *https://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf,* or write a letter signed by you or your authorized representative. Send your completed complaint form or letter to USDA by mail, fax, or email.

Mail: U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW, Washington, DC 20250–9410.

Fax: (202) 690–7442, Email: *program.intake@usda.gov.*

Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

Done at Washington DC, on April 5, 2021.

Mary Lowe,

U.S. Manager for Codex Alimentarius.

[FR Doc. 2021–07399 Filed 4–15–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Forest Service

Central Idaho Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Central Idaho Resource Advisory Committee (RAC) will hold a virtual meeting by phone and/or video conference. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act as well as make recommendations on recreation fee proposals for sites on Salmon-Challis; Caribou-Targhee; and Sawtooth National Forests within the counties of Butte, Custer, and Lemahi, consistent with the Federal Lands Recreation Enhancement Act. RAC information and virtual meeting information can be found at the following website: *https://www.fs.usda.gov/main/scnf/workingtogether/advisorycommittees.*

DATES: The meetings will be held on:

- May 6, 2021 at 9:00 a.m., Mountain Daylight Time
- May 20, 2021 at 9:00 a.m., Mountain Daylight Time
- May 27, 2021 at 9:00 a.m., Mountain Daylight Time

All RAC meetings are subject to cancellation. For status of the meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT.**

ADDRESSES: The meetings will be held virtually via telephone and/or video conference.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION.** All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received upon request.

FOR FURTHER INFORMATION CONTACT: Charles A. Mark, Designated Federal Officer (DFO), by phone at 208–756–5100 or email at *Charles.mark@usda.gov* or Amy Baumer at 208–756–5145 or email at *amy.baumer@usda.gov.*

Individuals who use telecommunication devices for the hearing-impaired (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Daylight Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Hear from Title II project proponents and discuss project proposals; and

2. Make funding recomendations on Title II projects.

The meetings are open to the public. The agendas will include time for individuals to make oral statements of three minutes or less. Individuals wishing to make an oral statement at any of the meetings should request in writing by April 30, 2021, to be scheduled on the agenda for that particular meeting. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time for oral comments must be sent to Amy Baumer 1206 S Challis St; Salmon, ID 83467; or by email to *amy.baumer@usda.gov.*

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT.** All reasonable accommodation requests are managed on a case-by-case basis.

Dated: April 13, 2021.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2021–07902 Filed 4–15–21; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

National Agricultural Statistics Service

Notice of Intent To Seek Approval To Reinstate an Information Collection; Correction

AGENCY: National Agricultural Statistics Service, USDA.

ACTION: Notice; correction.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the National Agricultural Statistics Service (NASS) published a correction notice in the **Federal Register** of April 12, 2021, concerning the intention of NASS to seek reinstatement of an information collection, the 2022 Census of Agriculture. The document contained an incorrect date.

ADDRESSES: You may submit comments, identified by docket number 0535–0226, by any of the following methods:

- *Email: ombofficer@nass.usda.gov.* Include docket number above in the subject line of the message.
- *E-fax:* (855) 838–6382.
- *Mail:* Mail any paper, disk, or CD–ROM submissions to: David Hancock, NASS Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW, Washington, DC 20250–2024.
- *Hand Delivery/Courier:* Hand deliver to: David Hancock, NASS Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW, Washington, DC 20250–2024.

FOR FURTHER INFORMATION CONTACT: Kevin L. Barnes, Associate Administrator, National Agricultural Statistics Service, U.S. Department of Agriculture, (202) 720–2707. Copies of this information collection and related instructions can be obtained without charge from David Hancock, NASS—OMB Clearance Officer, at (202)690–2388 or at *ombofficer@nass.usda.gov.*

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of April 12, 2021, FR Doc. 2021–07404, on page 18937, in the second column, correct the **DATES** caption to read as follows:

DATES: Comments on this notice must be received by May 7, 2021 to be assured of consideration.

Signed at Washington, DC, April 6, 2021.

Yvette Anderson,

Federal Register Liaison Officer for ARS, ERS, NASS.

[FR Doc. 2021–07740 Filed 4–15–21; 8:45 am]

BILLING CODE 3410–20–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Maine Advisory Committee; Correction

AGENCY: Commission on Civil Rights.

ACTION: Notice; correction.

SUMMARY: The Commission on Civil Rights published a notice in the **Federal Register** concerning a meeting of the Maine Advisory Committee. The meeting scheduled for Thursday, April 15, 2021 at 12:00 p.m. (ET) is cancelled.

FOR FURTHER INFORMATION CONTACT: Evelyn Bohor, (202) 921–2212, *ebohor@usccr.gov.*

SUPPLEMENTARY INFORMATION:

Corrections

In the **Federal Register** of Friday, February 26, 2021, in FR 2021–03973, on page 11720, in the second column, correct the ''Summary'' caption to read:

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 Maine State Advisory Committee to the Commission will hold virtual meetings on the third Thursdays on the following months: March 18 and May 20, 2021 at 12:00 p.m. (ET) for the purpose of reviewing and writing the report on for its digital equity project.

In the **Federal Register** of Friday, February 26, 2021, in FR 2021–03973, on page 11720, in the second column of page 11720, correct the ''Dates'' caption to read:

DATES: March 18 and May 20, 2021, Thursday at 12:00 p.m. (ET):

- To join by web conference: *https://bit.ly/3ombRrt*
- To join by phone only, dial 1–800–360–9505; Access code: 199 929 4603

In the **Federal Register** of Friday, February 26, 2021, in FR 2021–03973, on page 11720, in the third column, correct the ''Agenda'' caption to read:

Agenda

Thursdays—March 18 and May 20, 2021 at 12:00 p.m. (ET)

I. Welcome and Roll Call
II. Report Writing: Digital Equity in Maine
III. Public Comment
IV. Next Steps
V. Adjournment

Dated: April 12, 2021.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2021–07761 Filed 4–15–21; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–921]

Lightweight Thermal Paper From the People's Republic of China: Rescission of Countervailing Duty Administrative Review; 2019

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) is rescinding the administrative review of the countervailing duty (CVD) order on lightweight thermal paper from the People's Republic of China (China) for the period of review (POR), January 1, 2019, through December 31, 2019, based on the timely withdrawal of the request for review.

DATES: Applicable April 16, 2021.

FOR FURTHER INFORMATION CONTACT: William Langley, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3861.

SUPPLEMENTARY INFORMATION:

Background

On November 3, 2020, Commerce published a notice of opportunity to request an administrative review of the CVD order on lightweight thermal paper (thermal paper) from China for the POR of January 1, 2019, through December 31, 2019.[1] In accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.213(b), Commerce received a timely-filed request for an administrative review from, Appvion, Inc. (the petitioner) for the following producers/exporters: Sailing International Limited; Shenzhen Formers Printing Co., Ltd.; Suzhou Xiandai Paper Production Co.; Dong Nam Pack; Gold Shengpu Paper Products (Suzhou); Xiamen ATP Technology Co. Ltd.; Gold Huasheng Paper (Suzhou IP) Co.; Henan Jianghe Paper Co. Ltd.; Wuxi Honglinxin International Trade; Shenzhen HDB Network Technology; Jinan Fuzhi Paper Co., Ltd.; Avery Dennison (China) Co., Ltd.; Pax Technology Limited; Shenzhen Speedy Import & Export Co., Ltd.; SYCDA Company Limited; Prosper (HK) Co., Ltd.; Shenzhen Baiyuan Paper Co., Ltd.; Jinya Intelligent Technology SHA; Century Paper Group; and Shenzhen Likexin Industrial Co., Ltd.[2]

On January 6, 2021, pursuant to this request and in accordance with 19 CFR 351.221(c)(1)(i), Commerce published a notice initiating an administrative review of the CVD order on thermal paper from China with respect to each of the requested companies.[3] On March 26, 2021, the petitioner withdrew its request for an administrative review with respect to all of the companies for which it had requested a review.[4]

Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if the party or parties that requested a review withdraws the request within 90 days of the publication date of the notice of initiation of the requested review. As noted above, the petitioner withdrew its requests for review of all companies within 90 days of the publication date of the notice of initiation. No other parties requested an administrative review of the order. Therefore, in accordance with 19 CFR 351.213(d)(1), we are rescinding this review in its entirety.

Assessment

Commerce will instruct U.S. Customs and Border Protection (CBP) to assess countervailing duties on all appropriate entries of thermal paper from China. Countervailing duties shall be assessed at rates equal to the cash deposit of

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review,* 85 FR 69586 (November 3, 2020).

[2] *See* Petitioner's Letter, ''Administrative Review of the Countervailing Duty Order on Lightweight Thermal Paper from the People's Republic of China: Request for Administrative Review,'' dated November 30, 2020.

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 86 FR 511 (January 6, 2021).

[4] *See* Petitioner's Letter, ''Lightweight Thermal Paper from the People's Republic of China: Withdrawal of Request for Administrative Review,'' dated March 26, 2021.

estimated countervailing duties required at the time of entry, or withdrawal from warehouse, for consumption in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue appropriate assessment instructions to CBP no earlier than 35 days after the date of publication of this notice in the **Federal Register**.

Notification Regarding Administrative Protective Orders

This notice also serves as a reminder to all parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

Notification to Interested Parties

This notice is issues and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213(d)(4).

Dated: April 12, 2021.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2021–07832 Filed 4–15–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA983]

Pacific Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public online meetings.

SUMMARY: The Pacific Fishery Management Council (Pacific Council) will convene three Stock Assessment Review (STAR) Panels this year to review new stock assessments for Dover sole, spiny dogfish, lingcod, and vermilion and sunset rockfishes. These STAR Panel meetings are open to the public.

DATES: The STAR Panel meeting (STAR Panel 1) to review new assessments for Dover sole and spiny dogfish will be held Monday, May 3, 2021 through Friday, May 7, 2021, beginning at 8:30 a.m. Pacific Daylight Time (PDT) and ending at 5:30 p.m. each day, or when business for the day has been completed.

The STAR Panel meeting (STAR Panel 2) to review new assessments for lingcod will be held Monday, July 12, 2021 through Friday, July 16, 2021, beginning at 8:30 a.m. and ending at 5:30 p.m. each day, or when business for the day has been completed.

The STAR Panel meeting (STAR Panel 3) to review a new assessment for vermilion and sunset rockfishes will be held Monday, July 26, 2021 through Friday, July 30, 2021, beginning at 8:30 a.m. and ending at 5:30 p.m. each day, or when business for the day has been completed.

ADDRESSES: The Groundfish STAR panel meetings will be online meetings. Specific meeting information, including directions on how to join the meeting and system requirements will be provided in the meeting announcement on the Pacific Council's website (see *www.pcouncil.org*). You may send an email to Mr. Kris Kleinschmidt (*kris.kleinschmidt@noaa.gov*) or contact him at (503) 820–2412 for technical assistance.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220.

FOR FURTHER INFORMATION CONTACT: Dr. Andi Stephens, NMFS Northwest Fisheries Science Center; telephone: (541) 867–0535; or Mr. John DeVore, Staff Officer, Pacific Fishery Management Council; telephone: (503) 820–2413.

SUPPLEMENTARY INFORMATION: The purpose of the STAR Panels is to review draft 2021 stock assessment documents and any other pertinent information for new benchmark stock assessments for Dover sole, spiny dogfish, lingcod (it is anticipated there will be 2 assessments of West Coast lingcod subpopulations delineated at 40°10′ N lat.), and vermilion and sunset rockfishes (it is anticipated this will be a single assessment of vermilion rockfish and sunset rockfish in combination); work with the Stock Assessment Teams to make necessary revisions; and produce STAR Panel reports for use by the Pacific Council family and other interested persons for developing management recommendations for fisheries in 2021 and beyond. No management actions will be decided by the STAR Panels. The STAR Panel participants' role will be development of recommendations and reports for consideration by the Pacific Council at its virtual June meeting (for Dover sole and spiny dogfish) and its September meeting (for lingcod and vermilion and sunset rockfishes) tentatively scheduled in Spokane, WA.

Although nonemergency issues not contained in the meeting agendas may be discussed, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent of the STAR Panels to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt, (503) 820–2412, at least 10 days prior to the meeting date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: April 13, 2021.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2021–07872 Filed 4–15–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; 3D Nation Elevation Data Requirements and Benefits Study

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on January 29, 2021, (86 FR 7542), during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: National Oceanic & Atmospheric Administration (NOAA), Commerce.

Title: 3D Nation Requirements and Benefits Elevation Data Study.

OMB Control Number: 0648–0762.

Form Number(s): None.

Type of Request: Regular submission [extension of a current information collection].

Number of Respondents: 800.

Average Hours per Response: 2.

Total Annual Burden Hours: 1,600.

Needs and Uses: This is a request for extension of a currently approved information collection.

NOAA, the U.S. Geological Survey (USGS), and partner mapping agencies are working to improve the technology systems, data, and services that provide information about 3D data and related applications within the United States. By continuing to learn about business uses and associated benefits that would be realized from improved 3D data, the agencies can more effectively prioritize and direct investments that will best serve user needs. The 3D Nation Elevation Data Requirements and Benefits Study [3D Nation Study] is part of the continuing effort to develop and refine future program alternatives that would provide enhanced 3D data to meet many Federal, State, and other national business needs.

In 2017, NOAA and the USGS initiated a 3D Nation Study follow-on to the National Enhanced Elevation Assessment (NEEA) white paper finalized in 2012 (NEEA overview can be found at *https://pubs.usgs.gov/fs/2012/3088/*). The 3D Nation Study incorporates coastal and ocean requirements for elevation data together with terrestrial elevation data needs. The primary tool to gather information is a questionnaire covering a wide range of business uses that depend on 3D data to inform policy, regulation, scientific research, and management decisions. For purposes of the study, 3D data refers to topographic elevation data (precise three-dimensional measurements of the terrestrial terrain) and bathymetric elevation data (three-dimensional surface of the underwater terrain). The 3D Nation Study seeks to understand needs for 3D elevation data in terms of mission critical activities, geographic extents of data needs, accuracy requirements, frequency needed, and anticipated benefits of having the required data. The study also aims to describe 3D elevation data needs in relation to other data types such as the shoreline; characteristics of tides, currents, and waves; and the physical and chemical properties of the water itself.

Because 3D data are collected and used to meet a wide range of mission critical needs, the 3D Nation Study seeks input from managers and data users from a variety of government entities (*e.g.,* Federal, State, local, Tribal) as well as not for profit, academic, and private/commercial entities. The findings will update a baseline of national business needs and associated benefits for 3D data and associated technologies. This baseline enhances the responsiveness of NOAA, USGS, and partner agency programs to stakeholder needs. It is intended to inform the design of directed future programs that balance requirements, benefits, and costs at a national scale. Collected responses are aggregated at the agency, organization, state and national levels. Responses associated with individuals are not distributed. The information collection is conducted using a standardized template. Responses are one-time and voluntary. In-person interviews to clarify questionnaire results may also be arranged. The current version of the study questionnaire is available at the 3D Nation Study information site (*https://my.usgs.gov/confluence/display/3DNationStudy/Questionnaire*).

Affected Public: Federal government, State, local or tribal governments; not-for-profit institutions, academia, business or other for-profit organizations.

Frequency: On occasion, 3–5 year intervals.

Respondent's Obligation: Voluntary.

Legal Authority: Coast and Geodetic Survey Act of 1947 (33 U.S.C. 883a *et seq*.).

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the collection or the OMB Control Number 0648–0762.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2021–07822 Filed 4–15–21; 8:45 am]

BILLING CODE 3510–JE–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB014]

Gulf of Mexico Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of a public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will hold a three-day meeting via webinar of its Standing, Reef Fish, Socioeconomic, Mackerel, Shrimp and Ecosystem Scientific and Statistical Committees (SSC).

DATES: The meeting will be held on Monday, May 3, 2021 to Wednesday, May 5, 2021, from 9 a.m. to 5 p.m., EDT.

ADDRESSES: The meeting will take place via webinar; you may register by visiting *www.gulfcouncil.org* and clicking on the SSC meeting on the calendar.

Council address: Gulf of Mexico Fishery Management Council, 4107 W. Spruce Street, Suite 200, Tampa, FL 33607; telephone: (813) 348–1630.

FOR FURTHER INFORMATION CONTACT: Ryan Rindone, Lead Fishery Biologist, Gulf of Mexico Fishery Management Council; *ryan.rindone@gulfcouncil.org,* telephone: (813) 348–1630.

SUPPLEMENTARY INFORMATION:

Monday, May 3, 2021; 9 a.m.–5 p.m., EDT

The meeting will begin with Introductions and Adoption of Agenda, Approval of Verbatim Minutes and Meeting Summary from March 30–April 2, 2021, webinar meeting, review of the Scope of Work, and selection of an SSC Representative for the June 21–25, 2021 Gulf Council Meeting.

The Committees will review a presentation on Management Considerations for Using Interim Analyses, followed by the Gulf Red Grouper Updated Indices of Abundance, and the Gulf Penaeid Shrimp Working Groups and Gulf Royal Red Shrimp Index Presentations and Projections. The Committees will discuss the SEDAR 74 workshop participation solicitation and schedule, receive presentations on the Joint Grouper-Tilefish and Red Snapper Individual Fishing Quotas (IFQ) Program Review, and a presentation on the Allocation Review Guidelines.

Tuesday, May 4, 2021; 9 a.m.–5 p.m., EDT

The Committees will review and hold discussions on Tier 1 of the Council's Acceptable Biological Catch (ABC) Control Rule, including the Scope of Work, presentations, and background materials.

Wednesday, May 5, 2021; 9 a.m.–5 p.m., EDT

The Committees will review National Marine Fisheries Service (NMFS) Policy Document: Determination of Best Scientific Information Available (BSIA) in the Southeast Region. A presentation on Gulf Gray Triggerfish Age Validation Challenges and Recommendations will be given, followed by the Committees receiving public comment, and then discussion of Other Business items.

—Meeting Adjourns

The meeting will be broadcast via webinar. You may register for the webinar by visiting *www.gulfcouncil.org* and clicking on the SSC meeting on the calendar.

The Agenda is subject to change, and the latest version along with other meeting materials will be posted on *www.gulfcouncil.org* as they become available.

Although other non-emergency issues not on the agenda may come before the Scientific and Statistical Committees for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal action during this meeting. Actions of the Scientific and Statistical Committee will be restricted to those issues specifically identified in the agenda and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take-action to address the emergency.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: April 13, 2021.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2021–07873 Filed 4–15–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Socioeconomics of Coral Reef Conservation

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on January 25, 2021 (86 FR 6876) during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: National Oceanic & Atmospheric Administration (NOAA), Commerce.

Title: Socioeconomics of Coral Reef Conservation.

OMB Control Number: 0648–0646.

Form Number(s): None.

Type of Request: Revision and extension of a current information collection.

Number of Respondents: 9,840.

Average Hours per Response: 20 minutes (0.33 hours).

Total Annual Burden Hours: 3,280 hours.

Needs and Uses: This request is for the revision and extension of a currently approved information collection under OMB Control Number 0648–0646. The information collection is part of the National Coral Reef Monitoring Program (NCRMP), which was established by the National Oceanic and Atmospheric Administration (NOAA) Coral Reef Conservation Program (CRCP) under the authority of the Coral Reef Conservation Act of 2000. The CRCP was created to safeguard and ensure the welfare of the coral reef ecosystems along the coastlines of America's states and territories. In accordance with its mission goals, NOAA developed a survey to track relevant information regarding each jurisdiction's population, social and economic structure, the benefits of coral reefs and related habitats, the impacts of society on coral reefs, and the impacts of coral management on communities. The survey is repeated in each jurisdiction every five to seven years in order to provide longitudinal data and information for managers to effectively conserve coral reefs for current and future generations.

The purpose of this information collection is to obtain human dimensions information from residents in the seven United States (U.S.) jurisdictions containing coral reefs: Florida, U.S. Virgin Islands (USVI), Puerto Rico, Hawai'i, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands (CNMI). Specifically, NOAA is seeking information on the behaviors and activities related to coral reefs, as well as information on perceptions of coral reef conditions and attitudes toward specific reef conservation activities. Each survey has a core set of questions that are the same for all jurisdictions to allow for information to be tracked over time. To account for geographical, cultural and linguistic differences between jurisdictions, the survey questions include items that are specific to the local context and developed based on jurisdictional partner feedback.

We intend to use the information collected through this instrument for research purposes, as well as for measuring and improving the results of our reef protection programs. Because many of our efforts to protect reefs rely on education and changing attitudes toward reef protection, the information collected will allow CRCP to ensure that programs are designed appropriately at the start, future program evaluation efforts are as successful as possible, and outreach efforts are targeting the intended recipients with useful information.

Pursuant to a request from the Office of Management and Budget (OMB), this collection of information is being revised to restructure these surveys as a hybrid-generic collection.

Affected Public: Individuals or households.

Frequency: Every 5–7 years.

Respondent's Obligation: Voluntary.

Legal Authority: Coral Reef Conservation Act of 2000.

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the

following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the collection or the OMB Control Number 0648–0646.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2021–07821 Filed 4–15–21; 8:45 am]

BILLING CODE 3510–JS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB009]

Atlantic Coastal Fisheries Cooperative Management Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; request for comments.

SUMMARY: The Assistant Regional Administrator for Sustainable Fisheries, Greater Atlantic Region, NMFS, has made a preliminary determination that an Exempted Fishing Permit renewal application from the Massachusetts Division of Marine Fisheries contains all of the required information and warrants further consideration. Regulations under the Magnuson-Stevens Fishery Conservation and Management Act and the Atlantic Coastal Fisheries Cooperative Management Act require publication of this notice to provide interested parties the opportunity to comment on applications for proposed Exempted Fishing Permits.

DATES: Comments must be received on or before May 3, 2021.

ADDRESSES: You may submit written comments by any of the following methods:

• *Email: NMFS.GAR.EFP@noaa.gov.* Include in the subject line ''Comments on AOLA Larval Lobster EFP.'' If you cannot submit a comment through this method, please contact Allison Murphy at (978) 281–9122, or email at *allison.murphy@noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Allison Murphy, Fishery Policy Analyst, 978–281–9122, *allison.murphy@noaa.gov.*

SUPPLEMENTARY INFORMATION: The Massachusetts Division of Marine Fisheries (MA DMF) submitted a complete application on March 17, 2021 for an Exempted Fishing Permit (EFP) to conduct a lobster abundance survey that Federal regulations would otherwise restrict. The purpose of this study is to provide fishery-independent data on lobster growth and abundance in Massachusetts state waters of statistical areas 514 and 538. This EFP would authorize up to seven vessels to conduct larval sampling in Lobster Conservation Management Area 1 and 2. A map of this area is available at: *https://www.fisheries.noaa.gov/resource/map/lobster-management-areas.*

For this project, MA DMF is requesting exemptions from the following Federal lobster regulations:

1. Gear specification requirements to allow for the use of traps without escape vents (50 CFR 697.21(c)(1) for Lobster Management Area 1 and § 697.21(c)(2) for Area 2);

2. Trap limit requirements to allow for trap limits to be exceeded (§ 697.19(a) for Area 1 and § 697.19(b) for Area 2);

3. Trap tag requirements to allow for alternatively-tagged traps (§ 697.19(i));

4. Minimum and maximum carapace length requirements to allow sub-legal and over-sized lobsters to be landed for research purposes (§§ 697.20(a)(2) and 697.20(b)(2) for Area 1, and §§ 697.20(a)(3) and 697.20(b)(3) for Area 2);

5. V-notch possession requirement to allow landing of females for research purposes (§ 697.20(g)(1) for Area 1 and § 697.20(g)(3) for Area 2); and

6. Berried female possession requirement to allow landing of egg-bearing female lobsters for research purposes (§ 697.20(d)(1)and(3)).

This survey has occurred annually since 2006 in Massachusetts state waters. The EFP would authorize up to seven participating vessels to deploy three standard and three ventless traps per six-pot trawl. Stations would be sampled twice per month from June through October 2020. Sampling trips would occur after a soak time of approximately 3 days and at least one MA DMF scientist would be on board for the sampling trips. MA DMF personnel would not be on board when traps are baited and deployed. All gear would be Atlantic Large Whale Take Reduction Plan compliant. Survey traps will be separate from each vessel's commercial lobster traps and would be tagged as, ''MADMF Research Traps.''

All catch during sampling trips would be retained temporarily to collect biological data. MA DMF staff may collect lobster and/or Jonah crab, including undersized, oversized, v-notched, and egg-bearing lobsters. Collected samples would be used for research projects on growth and maturity. No catch from the experimental trips would be landed for sale.

If approved, MA DMF may request minor modifications and extensions to the EFP throughout the study. EFP modifications and extensions may be granted without further notice if they are deemed essential to facilitate completion of the proposed research and have minimal impacts that do not change the scope or impact of the initially approved EFP request. Any fishing activity conducted outside the scope of the exempted fishing activity would be prohibited.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: April 13, 2021.

Kelly Denit,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2021–07901 Filed 4–15–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Recording Assignments

AGENCY: United States Patent and Trademark Office, Department of Commerce.

ACTION: Notice of information collection; request for comment.

SUMMARY: The United States Patent and Trademark Office (USPTO), in accordance with the Paperwork Reduction Act of 1995, invites comments on the extension and revision of an existing information collection: 0651–0027 (Recording Assignments). The purpose of this notice is to allow 60 days for public comment preceding submission of the information collection to OMB.

DATES: To ensure consideration, comments regarding this information collection must be received on or before June 15, 2021.

ADDRESSES: Interested persons are invited to submit written comments by any of the following methods. Do not submit Confidential Business Information or otherwise sensitive or protected information:

• *Email: InformationCollection@uspto.gov.* Include ''0651–0027

comment'' in the subject line of the message.

- *Federal Rulemaking Portal: http://www.regulations.gov*.
- *Mail:* Kimberly Hardy, Office of the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Joyce R. Johnson, Manager, Assignment Division, Mail Stop 1450, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450; by telephone at 703–756–1265; or by email to *Joyce.Johnson@uspto.gov* with ''0651–0027 comment'' in the subject line. Additional information about this information collection is also available at *http://www.reginfo.gov* under ''Information Collection Review.''

SUPPLEMENTARY INFORMATION:

I. Abstract

This collection of information is required by 35 U.S.C. 261 and 262 for patents and 15 U.S.C. 1057 and 1060 for trademarks. These statutes authorize the United States Patent and Trademark Office (USPTO) to record patent and trademark assignment documents, including transfers of properties (*i.e.,* patents and trademarks), liens, licenses, assignments of interest, security interests, mergers, and explanations of transactions or other documents that record the transfer of ownership of a particular patent or trademark property from one party to another. Assignments are recorded for applications, patents, and trademark registrations.

The USPTO administers these statutes through 37 CFR 2.146, 2.171, and 37 CFR 3. These regulations permit the public, corporations, other federal agencies, and Government-owned or Government-controlled corporations to submit patent and trademark assignment documents and other documents related to title transfers to the USPTO to be recorded. In accordance with 37 CFR 3.54, the recording of an assignment document by the USPTO is an administrative action and not a determination of the validity of the document or of the effect that the document has on the title to an application, patent, or trademark.

In order to record an assignment document, the respondent must submit an appropriate cover sheet along with copies of the assignment document to be recorded. Once the assignment documents are recorded, they are available for public inspection. The public uses these records to conduct ownership and chain-of-title searches. The public may view these records either at the USPTO Public Search Facility or at the National Archives and Records Administration, depending on the date they were recorded. The public may also search patent and trademark assignment information online through the USPTO website. The only exceptions are those documents that are sealed under secrecy orders according to 37 CFR 3.58 or related to unpublished patent applications maintained in confidence under 35 U.S.C. 122 and 37 CFR 1.14.

This information collection covers assignments submitted by paper and online through the use of the Electronic Patent Assignment System (EPAS) and the Electronic Trademark Assignment System (ETAS). The electronic systems allow customers to complete the required cover sheet information online using web-based forms and then attach the electronic assignment documents to be submitted for recordation. The electronic systems are available through the USPTO website at *https://epas.uspto.gov/* and *https://etas.uspto.gov/*.

II. Method of Collection

The items in this information collection can be submitted electronically through EPAS or ETAS, or on paper by mail, facsimile, or hand delivery to the USPTO.

III. Data

OMB Number: 0651–0027.

Form Numbers:

- PTO–1594 (Trademark Assignment Recordation Cover Sheet)
- PTO–1595 (Patent Assignment Recordation Cover Sheet)

Type of Review: Extension and revision of a currently approved information collection.

Affected Public: Private Sector; individuals or households.

Estimated Number of Respondents: 649,880 respondents per year.

Estimated Number of Responses: 649,880 responses per year.

Estimated Time per Response: The USPTO estimates that the response time for activities related to the recording assignment process will take approximately 30 minutes (0.5 hours) to complete. This includes the time to gather the necessary information, create the document, and submit the completed item to the USPTO.

Estimated Total Annual Hour Burden: 324,941 hours.

Estimated Total Annual Cost Burden (Hourly): $88,708,893.

TABLE 1—TOTAL HOURLY BURDEN FOR PRIVATE SECTOR RESPONDENTS

Item No.	Item	Estimated annual respondents	Estimated annual responses (year) (a)	Estimated time for response (hour) (b)	Estimated annual burden (hours/year) (a) × (b) = (c)	Rate [1] ($/hour) (d)	Estimated annual burden (c) × (d) = (e)
1	Trademark Assignment System (ETAS) (PTO–1594).	35,984	35,984	0.5 (30 minutes)	17,992	$273	$4,911,816
2	Patent Assignment System (EPAS) (PTO–1595).	353,945	353,945	0.5 (30 minutes)	176,973	273	48,313,629
Total		389,929	389,929		194,965		53,225,445

[1] 2019 Report of the Economic Survey, published by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association (AIPLA); *https://www.aipla.org/detail/journal-issue/2019-report-of-the-economic-survey*. The USPTO uses the mean rate for attorneys in private firms which is $400 per hour. The hourly rate for paraprofessional/paralegals is estimated at $145 from data published in the 2018 Utilization and Compensation Survey by the National Association of Legal Assistants (NALA); *https://www.nala.org/paralegals/research-and-survey-findings*. The USPTO estimates that the combined rate for respondents will be approximately $273 per hour.

TABLE 2—TOTAL HOURLY BURDEN FOR INDIVIDUALS OR HOUSEHOLDS RESPONDENTS

Item No.	Item	Estimated annual respondents	Estimated annual responses (year) (a)	Estimated time for response (hour) (b)	Estimated annual burden (hours/year) (a) × (b) = (c)	Rate [2] ($/hour) (d)	Estimated annual burden (c) × (d) = (e)
1	Trademark Assignment System (ETAS) (PTO–1594).	23,989	23,989	0.5 (30 minutes)	11,995	$273	$3,274,635
2	Patent Assignment System (EPAS) (PTO–1595).	235,962	235,962	0.5 (30 minutes)	117,981	273	32,208,813
Total		259,951	259,951		129,976		35,483,448

[2] 2019 Report of the Economic Survey, published by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association (AIPLA); *https://www.aipla.org/detail/journal-issue/2019-report-of-the-economic-survey.* The USPTO uses the mean rate for attorneys in private firms which is $400 per hour. The hourly rate for paraprofessional/paralegals is estimated at $145 from data published in the 2018 Utilization and Compensation Survey by the National Association of Legal Assistants (NALA); *https://www.nala.org/paralegals/research-and-survey-findings.* The USPTO estimates that the combined rate for respondents will be approximately $273 per hour.

Estimated Total Annual Cost Burden (Non-Hourly): $3,968,076. This information collection has annual (non-hour) costs in the form of filing fees and postage costs.

Filing Fees

The filing fee for submitting a non-electronic patent assignment as indicated by 37 CFR 1.21(h) is $50 per property for recording each document, while the filing fee for submitting a trademark assignment as indicated by 37 CFR 2.6(b)(6) is $40.00 for recording the first property in a document and $25.00 for each additional property in the same document. The USPTO estimates that the average fee for a trademark assignment recordation request is approximately $65.00. Therefore, this information collection has an estimated total of $3,969,795 in filing fees per year.

TABLE 3—FILING FEES

Item No.	Item	Estimated annual responses (a)	Estimated cost (b)	Estimated non-hour cost burden (a) × (b) = (c)
1	Patent Recordation Form Cover Sheet (PTO–1595)	1,351	$50	$67,550
2	Trademark Recordation Form Cover Sheet (PTO–1594)	1,050	65	68,250
4	Electronic Trademark Assignment System (ETAS) (PTO–1594)	58,923	65	3,829,995
	Total			3,965,795

Postage Costs

Customers may incur postage costs when submitting a patent or trademark assignment request to the USPTO by mail. The Patent and Trademark Recordation Cover Sheets can be submitted by mail, for a total of 2,401 mailed submissions. The average postage cost for a mailed Patent or Trademark Recordation Form Cover Sheet is $0.95, resulting in a total postage cost of $2,281 per year for this information collection.

IV. Request for Comments

The USPTO is soliciting public comments to:

(a) 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;

(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.

All comments submitted in response to this notice are a matter of public record. USPTO will include or summarize each comment in the request to OMB to approve this information collection. Before including an address, phone number, email address, or other personal identifying information in a comment, be aware that the entire comment—including personal identifying information—may be made publicly available at any time. While you may ask in your comment to withhold personal identifying information from public view, USPTO cannot guarantee that it will be able to do so.

Kimberly Hardy,

Information Collections Officer, Office of the Chief Administrative Officer, United States Patent and Trademark Office.

[FR Doc. 2021–07854 Filed 4–15–21; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Patent Prosecution Highway (PPH) Program

AGENCY: United States Patent and Trademark Office, Department of Commerce.

ACTION: Notice of information collection; request for comment.

SUMMARY: The United States Patent and Trademark Office (USPTO), in accordance with the Paperwork Reduction Act of 1995, invites comments on the extension and revision of an existing information collection: 0651–0058 (Patent Prosecution Highway (PPH) Program). The purpose of this notice is to allow 60 days for public comment preceding submission of the information collection to OMB.

DATES: To ensure consideration, comments regarding this information collection must be received on or before June 15, 2021.

ADDRESSES: Interested persons are invited to submit written comments by any of the following methods. Do not submit Confidential Business Information or otherwise sensitive or protected information:

- *Email: InformationCollection@uspto.gov.* Include ''0651–0058 comment'' in the subject line of the message.
- *Federal Rulemaking Portal: http://www.regulations.gov.*
- *Mail:* Kimberly Hardy, Office of the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

FOR FURTHER INFORMATION CONTACT: Request for additional information should be directed to Parikha Mehta, Patent Examination Policy Advisor, Office of Patent Legal Administration, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450; by telephone at 571–272–3248; or by email to *Parikha.Mehta@USPTO.GOV*. Additional information about this information collection is also available at *http://www.reginfo.gov* under ''Information Collection Review.''

SUPPLEMENTARY INFORMATION:

I. Abstract

The Patent Prosecution Highway (PPH) is a framework in which an application whose claims have been determined to be patentable by an Office of Earlier Examination (OEE) is eligible to go through an accelerated examination in an Office of Later Examination (OLE) with a simple procedure upon an applicant's request. By leveraging the search and examination work product of the OEE, PPH programs (1) deliver lower prosecution costs, (2) support applicants in their efforts to obtain stable patent rights efficiently around the world, and (3) reduce the search and examination burden, while improving the examination quality, of participating patent offices.

Originally, the PPH programs were limited to the utilization of search and examination results of national applications between cross filings under the Paris Convention. Later, the potential of the PPH was greatly expanded by Patent Cooperation Treaty (PCT)-PPH programs, which permit participating patent offices to draw upon the positive results of the PCT work product from another participating office. PCT-PPH programs use international written opinions and international preliminary examination reports developed within the framework of the PCT, thereby making the PPH available to a larger number of applicants. Information collected for the PCT is approved under the USPTO information collection, 0651–0021 (Patent Cooperation Treaty).

More recently, the USPTO and several other offices acted to consolidate and replace existing PPH programs, with the goal of streamlining the PPH process for both offices and applicants. To that end, the USPTO and other offices established the Global PPH pilot program and the IP5 PPH pilot program. Both the Global PPH and the IP5 PPH pilot programs are running concurrently and are substantially identical, differing only with regard to their respective participating offices. The USPTO is participating in both the Global PPH pilot program and the IP5 PPH pilot program. For USPTO applications, the Global PPH and IP5 PPH pilot programs supersede any prior PPH program between the USPTO and each Global PPH and IP5 PPH participating office. Any existing PPH programs between the USPTO and offices that are not participating in either the Global PPH pilot program or the IP5 PPH pilot program remain in effect.

This information collection covers data gathered through the Request for Participation in the Patent Prosecution Highway (PPH) Pilot Program, which the public uses to request an accelerated examination within the PPH provisions.

II. Method of Collection

Items in this information collection must be submitted electronically.

III. Data

OMB Control Number: 0651–0058.

Form Numbers: (SB = Specimen Book)

- PTO/SB/20GLBL (Request for Participation in the Global/IP5 PPH Pilot Program in the USPTO)
- PTO/SB/20BR (Request for Participation in the Patent Prosecution Highway (PPH) Pilot Program Between the Brazilian National Institute of Industrial Property (INPI) and the USPTO)
- PTO/SB/20CA (Request for Participation in the Patent Prosecution Highway (PPH) Pilot Program Between the Industrial Property Office of the Czech Republic (IPOCZ) and the USPTO)
- PTO/SB/20MX (Request for Participation in the Patent Prosecution Highway (PPH) Pilot Program Between the Mexican Institute of Industrial Property (TMPI) and the USPTO)
- PTO/SB/20NI (Request for Participation in the Patent Prosecution Highway (PPH) Pilot Program Between the Nicaraguan Registry of Intellectual Property (NRIP) and the USPTO)
- PTO/SB/20PH (Request for Participation in the Patent Prosecution Highway (PPH) Pilot Program Between the Intellectual Property Office of the Philippines (IPOPH) and the USPTO)
- PTO/SB/20RO (Request for Participation in the Patent Prosecution Highway (PPH) Pilot Program Between the Romanian State Office of Inventions and Trademarks (OSIM) and the USPTO)
- PTO/SB/20SA (Request for Participation in the Patent Prosecution Highway (PPH) Pilot Program between the Saudi Authority for Intellectual Property of the Kingdom of Saudi Arabia (SAIP) and the USPTO)
- PTO/SB/20TW (Request for Participation in the Patent Prosecution Highway (PPH) Pilot Program Between the Taiwan Intellectual Property Office (TIPO) and the USPTO)

Type of Review: Extension and revision of a currently approved information collection.

Affected Public: Private sector; individuals or households.

Estimated Number of Respondents: 3,567 respondents per year.

Estimated Number of Responses: 7,090 responses per year.

Estimated Time per Response: The USPTO estimates that it will take the public approximately 2 hours to complete a response. This includes the time to gather the necessary information, create the documents, and submit the completed item to the USPTO.

Estimated Total Annual Respondent Burden Hours: 14,180 hours.

Estimated Total Annual Respondent Hourly Cost Burden: $5,672,000.

TABLE 1—TOTAL HOURLY BURDEN FOR PRIVATE SECTOR RESPONDENTS

Item No.	Item	Estimated annual respondents	Estimated annual responses (year) (a)	Estimated time for response (hours) (b)	Estimated annual burden (hour/year) (a) × (b) = (c)	Rate [1] ($/hour) (d)	Estimated annual burden (c) × (d) = (e)
1	Request for Participation in the Global/IP5 PPH Pilot Program in the USPTO (PTO/SB/20GLBL).	3,255	6,510	*2	13,020	$400	$5,208,000
2	Request for Participation in the PPH Program Between the Brazilian National Institute of Industrial Property (INPI) and the USPTO (PTO/SB/20BR).	9	9	*2	18	400	7,200
3	Request for Participation in the PPH Program Between the Industrial Property Office of the Czech Republic (IPOCZ) and the USPTO (PTO/SB/20CZ).	4	4	*2	8	400	3,200
4	Request for Participation in the PPH Program Between the Mexican Institute of Industrial Property (TMPI) and the USPTO (PTO/SB/20MX).	4	4	*2	8	400	3,200
5	Request for Participation in the PPH Program Between the Nicaraguan Registry of Intellectual Property (NRIP) and the USPTO (PTO/SB/20NI).	4	4	*2	8	400	3,200
6	Request for Participation in the PPH Program Between the Intellectual Property Office of the Philippines (IPOPH) and the USPTO (PTO/SB/20PH).	4	4	*2	8	400	3,200
7	Request for Participation in the PPH Program Between the Romanian State Office of Inventions and Trademarks (OSIM) and the USPTO (PTO/SB/20RO).	4	4	*2	8	400	3,200
8	Request for Participation in the PPH Program between the Saudi Authority for Intellectual Property of the Kingdom of Saudi Arabia (SAIP) and the USPTO (PTO/SB/20SA).	4	4	*2	8	400	3,200
9	Request for Participation in the PPH Program Between the Taiwan Intellectual Property Office (TIPO) and the USPTO (PTO/SB/20TW).	23	46	*2	92	400	36,800
	Total	3,311	6,589	.....	13,178	.....	5,271,200

*(120 minutes).
[1] 2019 Report of the Economic Survey from the Law Practice Management Committee of the American Intellectual Property Law Association (AIPLA). *https://www.aipla.org/detail/journal-issue/2019-report-of-the-economic-survey*.

TABLE 2—TOTAL HOURLY BURDEN FOR INDIVIDUALS OR HOUSEHOLDS RESPONDENTS

Item No.	Item	Estimated annual respondents	Estimated annual responses (year) (a)	Estimated time for response (hours) (b)	Estimated annual burden (hour/year) (a) × (b) = (c)	Rate [2] ($/hour) (d)	Estimated annual burden (c) × (d) = (e)
1	Request for Participation in the Global/IP5 PPH Pilot Program in the USPTO (PTO/SB/20GLBL).	245	490	*2	980	$400	$392,000
2	Request for Participation in the PPH Program Between the Brazilian National Institute of Industrial Property (INPI) and the USPTO (PTO/SB/20BR).	1	1	*2	2	400	800
3	Request for Participation in the PPH Program Between the Industrial Property Office of the Czech Republic (IPOCZ) and the USPTO (PTO/SB/20CZ).	1	1	*2	2	400	800
4	Request for Participation in the PPH Program Between the Mexican Institute of Industrial Property (TMPI) and the USPTO (PTO/SB/20MX).	1	1	*2	2	400	800
5	Request for Participation in the PPH Program Between the Nicaraguan Registry of Intellectual Property (NRIP) and the USPTO (PTO/SB/20NI).	1	1	*2	2	400	800
6	Request for Participation in the PPH Program Between the Intellectual Property Office of the Philippines (IPOPH) and the USPTO (PTO/SB/20PH).	1	1	*2	2	400	800
7	Request for Participation in the PPH Program Between the Romanian State Office of Inventions and Trademarks (OSIM) and the USPTO (PTO/SB/20RO).	1	1	*2	2	400	800
8	Request for Participation in the PPH Program between the Saudi Authority for Intellectual Property of the Kingdom of Saudi Arabia (SAIP) and the USPTO (PTO/SB/20SA).	1	1	*2	2	400	800
9	Request for Participation in the PPH Program Between the Taiwan Intellectual Property Office (TIPO) and the USPTO (PTO/SB/20TW).	4	4	*2	8	400	3,200
	Total	256	501	.....	1,002	.....	400,800

*(120 minutes).
[2] 2019 Report of the Economic Survey from the Law Practice Management Committee of the American Intellectual Property Law Association (AIPLA). *https://www.aipla.org/detail/journal-issue/2019-report-of-the-economic-survey*

Estimated Total Annual (Non-hour) Respondent Cost Burden: $0.00. There are no filing fees or start-up, maintenance, recordkeeping, or postage costs associated with this information collection.

Respondent's Obligation: Required to obtain or retain benefits.

IV. Request for Comments

The USPTO is soliciting public comments to:

(a) 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;

(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.

All comments submitted in response to this notice are a matter of public record. USPTO will include or summarize each comment in the request to OMB to approve this information collection. Before including an address, phone number, email address, or other personal identifying information in a comment, be aware that the entire comment— including personal identifying information—may be made publicly available at any time. While you may ask in your comment to withhold personal identifying information from public view, USPTO cannot guarantee that it will be able to do so.

Kimberly Hardy,

Information Collections Officer, Office of the Chief Administrative Officer, United States Patent and Trademark Office.

[FR Doc. 2021–07857 Filed 4–15–21; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Public Search Facility User ID and Badging

AGENCY: United States Patent and Trademark Office, Department of Commerce.

ACTION: Notice of information collection; request for comment.

SUMMARY: The United States Patent and Trademark Office (USPTO), as required by the Paperwork Reduction Act of 1995, invites comments on the extension and revision of an existing information collection: 0651–0041 (Public Search Facility User ID and Badging). The purpose of this notice is to allow 60 days for public comment preceding submission of the information collection to OMB.

DATES: To ensure consideration, comments regarding this information collection must be received on or before June 15, 2021.

ADDRESSES: Interested persons are invited to submit written comments by any of the following methods. Do not submit Confidential Business Information or otherwise sensitive or protected information:

- *Email: InformationCollection@uspto.gov*. Include ''0651–0041 comment'' in the subject line of the message.
- *Federal Rulemaking Portal: http://www.regulations.gov*.
- *Mail:* Kimberly Hardy, Office of the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Terry Howard, Manager, Public Search Facility, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450; by telephone at 571–272–3258; or by email to *Terry.Howard@uspto.gov*. Additional information about this information collection is also available at *http://www.reginfo.gov* under ''Information Collection Review.''

SUPPLEMENTARY INFORMATION:

I. Abstract

The United States Patent and Trademark Office (USPTO) is required by 35 U.S.C. 41(i)(1) to maintain a Public Search Facility to make publically accessible USPTO patent and trademark collections for search and retrieval. The Public Search Facility is located in a publicly accessible portion of USPTO headquarters in Alexandria, Virginia, and offers the public access to the collection's paper, microfilm, and electronic files and trained staff to assist users with searches. The USPTO also offers training courses to assist users with the advanced electronic search systems available at the facility.

This information collection covers information collected in applications required for those members of the public who wish to use the electronic search systems at the Public Search Facility to establish a USPTO online access account, and to obtain, renew, or replace online access accounts. The public may apply for an online access account at the Public Search Facility reference desk by providing the necessary information and proper identification. The access account includes a bar-coded user number and an expiration date. Users may renew their account by validating and updating the required information and may obtain a replacement for a lost account information by providing proper identification. Users who wish to register for the voluntary training courses may do so by completing the appropriate form.

This information collection also covers information in applications to establish, renew, or replace security identification badges issued, under the authority provided in 41 CFR part 102–81, to members of the public who wish to access the Public Search Facility. Users may apply for a security badge in-person at the USPTO Security Office by providing the necessary information and presenting a valid form of identification with photograph. The security badges include a color photograph of the user and must be worn at all times while at the USPTO facilities.

II. Methods of Collection

Items in this information collection must be submitted in-person; including the security badges and account requests. Requests for training may be submitted in-person, online, or through the mail.

III. Data

OMB Number: 0651–0041.
Form Number(s):

- PTO–2030 (Application for Public User ID)
- PTO–2224 (Security Identification Badges for Public Users)

Type of Review: Extension and revision of a currently approved information collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 5,525 respondents per year.

Estimated Number of Responses: 5,925 responses per year.

Estimated Time per Response: The USPTO estimates that it will take the public approximately 5 minutes (0.08 hours) to complete the information in this information collection, depending on the form. This includes the time to gather the necessary information, prepare the appropriate form, and submit the completed item to the USPTO.

Estimated Total Annual Respondent Burden Hours: 474 hours.

Estimated Total Annual Respondent Cost Burden: $145,912.

TABLE 1—TOTAL HOURLY BURDEN FOR INDIVIDUALS AND HOUSEHOLDS RESPONDENTS

Item No.	Item	Estimated annual respondents	Estimated annual responses (year) (a)	Estimated time for response (hour) (b)	Estimated annual burden (hour/year) (a) x (b) = (c)	Rate [1] ($/hour) (d)	Estimated annual burden (c) x (d) = (e)
1	Application for Public User ID (Access Account).	1,050	1,050	0.08 (5 minutes)	84	$400	$33,600
2	Renew Online Access Replace.	Same as 6	400	0.08 (5 minutes)	32	400	12,800
3	Replace Online Access Replace.	75	75	0.08 (5 minutes)	6	400	2,400
4	User Training Registration.	100	100	0.08 (5 minutes)	8	400	3,200
5	Security Identification Badges for Public Users.	1,000	1,000	0.08 (5 minutes)	80	273	21,840
6	Renew Security Identification Badges for Public Users.	3,200	3,200	0.08 (5 minutes)	256	273	69,888
7	Replace Security Identification Badges.	100	100	0.08 (5 minutes)	8	273	2,184
	Totals	5,525	5,925		474		145,912

[1] 2019 Report of the Economic Survey, published by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association (AIPLA); *https://www.aipla.org/detail/journal-issue/2019-report-of-the-economic-survey*. The USPTO uses the mean rate for attorneys in private firms which is $400 per hour. The hourly rate for paraprofessional/paralegals is estimated at $145 from data published in the 2018 Utilization and Compensation Survey by the National Association of Legal Assistants (NALA). A combined rate is used for the security badges items.

Estimated Total Annual Non-hour Respondent Cost Burden: $1,503. The total annual (non-hour) respondent cost burden for this information collection in the forms of fees and postage costs is estimated to be $1,503 per year.

There are no application or renewal fees for online access accounts or security identification badges. However, there is a $15 fee for issuing a replacement security identification badge. The USPTO estimates that it will reissue approximately 100 security badges annually that have been lost, stolen, or need to be replaced, for a total of $1,500 per year in replacement fees.

Users may incur postage costs when submitting a user training registration form to the USPTO by mail; approximately 5 per year. The USPTO estimates that the average first-class postage cost for a mailed training form will be $0.55 per year for this information collection resulting to total postage costs of $3.

Respondent's Obligation: Required to obtain or retain benefits.

IV. Request for Comments

The USPTO is soliciting public comments to:

(a) 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;

(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.

All comments submitted in response to this notice are a matter of public record. USPTO will include or summarize each comment in the request to OMB to approve this information collection. Before including an address, phone number, email address, or other personal identifying information in a comment, be aware that the entire comment— including personal identifying information—may be made publicly available at any time. While you may ask in your comment to withhold personal identifying information from public view, USPTO cannot guarantee that it will be able to do so.

Kimberly Hardy,

Information Collections Officer, Office of the Chief Administrative Officer, United States Patent and Trademark Office.

[FR Doc. 2021–07851 Filed 4–15–21; 8:45 am]

BILLING CODE 3510–16–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed deletions from the Procurement List.

SUMMARY: The Committee is proposing to delete product(s) from the Procurement List that were furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: Comments must be received on or before: May 16, 2021.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S Clark Street, Suite 715, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Michael R. Jurkowski, Telephone: (703) 603–2117, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Deletions

The following product(s) are proposed for deletion from the Procurement List:

Product(s)

NSN(s)—Product Name(s): 5855–01–334–6594—Harness, Night Vision
Designated Source of Supply: Cambria County Association for the Blind and Handicapped, Johnstown, PA
Contracting Activity: DLA AVIATION, RICHMOND, VA

NSN(s)—Product Name(s): 5330–01–134–7893—Insulation
Designated Source of Supply: Huntsville Rehabilitation Foundation, Huntsville, AL
Contracting Activity: DLA TROOP SUPPORT, PHILADELPHIA, PA

NSN(s)—Product Name(s): 9905–00–NSH–0236—Sorter, T Card
Designated Source of Supply: Challenge Enterprises of North Florida, Inc., Green Cove Springs, FL
Contracting Activity: FA–NATIONAL INTERAGENCY FIRE CENTER, BOISE, ID

Michael R. Jurkowski,

Deputy Director, Business & PL Operations.

[FR Doc. 2021–07864 Filed 4–15–21; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to and deletions from the Procurement List.

SUMMARY: This action adds service(s) to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes service(s) from the Procurement List previously furnished by such agencies.

DATES: *Date added to and deleted from the Procurement List:* May 16, 2021.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S Clark Street, Suite 715, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION CONTACT: Michael R. Jurkowski, Telephone: (703) 603–2117, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Additions

On 1/15/2021, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed additions to the Procurement List. This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51–2.3.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the service(s) and impact of the additions on the current or most recent contractors, the Committee has determined that the service(s) listed below are suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the service(s) to the Government.

2. The action will result in authorizing small entities to furnish the service(s) to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the service(s) proposed for addition to the Procurement List.

End of Certification

Accordingly, the following service(s) are added to the Procurement List:

Service(s)

Service Type: Custodial and Related Services
Mandatory for: GSA PBS Region 5, John W. Bricker Federal Building Parking Garage, Columbus, OH
Designated Source of Supply: VGS, Inc., Cleveland, OH
Contracting Activity: PUBLIC BUILDINGS SERVICE, PBS R5

The Committee finds good cause to dispense with the 30-day delay in the effective date normally required by the Administrative Procedure Act. See 5 U.S.C. 553(d). This addition to the Committee's Procurement List is effectuated because of the expiration of the General Services Administration's Public Building Service Region 5 contract. The Federal customer contacted, and has worked diligently with the AbilityOne Program to fulfill this service need under the AbilityOne Program. To avoid performance disruption, and the possibility that the General Services Administration will refer its business elsewhere, this addition must be effective on April 30, 2021, ensuring timely execution for a May 1, 2021, start date while still allowing 14 days for comment. Pursuant to its own regulation 41 CFR 51–2.4, the Committee determined that no severe adverse impact exists. The Committee also published a notice of proposed Procurement List addition in the **Federal Register** on January 15, 2021, and did not receive any comments from any interested persons, including from the incumbent contractor. This addition will not create a public hardship and has limited effect on the public at large, but, rather, will create new jobs for other affected parties—people with significant disabilities in the AbilityOne Program who otherwise face challenges locating employment. Moreover, this addition will enable Federal customer operations to continue without interruption.

Deletions

On 3/12/2021, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed deletions from the Procurement List. This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51–2.3.

After consideration of the relevant matter presented, the Committee has determined that the service(s) listed

below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the service(s) to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the service(s) deleted from the Procurement List.

End of Certification

Accordingly, the following service(s) are deleted from the Procurement List:

Service(s)

Service Type: Grounds Maintenance
Mandatory for: Defense Commissary Agency, China Lake Naval Air Weapons Station Commissary, China Lake, CA
Contracting Activity: DEFENSE COMMISSARY AGENCY (DECA), DEFENSE COMMISSARY AGENCY

Service Type: Grounds Maintenance
Mandatory for: U.S. Department of Energy, Western Area Power Administration, Bismarck, ND Designated Source of Supply: Pride, Inc., Bismarck, ND
Contracting Activity: ENERGY, DEPARTMENT OF, WESTERN–UPPER GREAT PLAINS REGION

Michael R. Jurkowski,

Deputy Director, Business & PL Operations.

[FR Doc. 2021–07865 Filed 4–15–21; 8:45 am]

BILLING CODE 6353–01–P

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities: Notice of Intent To Extend Collection 3038–0074: Core Principles and Other Requirements for Swap Execution Facilities

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (PRA), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Information and Regulatory Affairs (OIRA), of the Office of Management and Budget (OMB), for review and comment. The ICR describes the nature of the information collection and its expected costs and burden.

DATES: Comments must be submitted on or before May 17, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be submitted within 30 days of this notice's publication to OIRA, at *https://www.reginfo.gov/public/do/PRAMain.* Please find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the website's search function. Comments can be entered electronically by clicking on the ''comment'' button next to the information collection on the ''OIRA Information Collections Under Review'' page, or the ''View ICR—Agency Submission'' page. A copy of the supporting statement for the collection of information discussed herein may be obtained by visiting *https://www.reginfo.gov/public/do/PRAMain.*

In addition to the submission of comments to *https://Reginfo.gov* as indicated above, a copy of all comments submitted to OIRA may also be submitted to the Commodity Futures Trading Commission (the ''Commission'' or ''CFTC'') by clicking on the ''Submit Comment'' box next to the descriptive entry for OMB Control No. 3038–0074, at *https://comments.cftc.gov/FederalRegister/PublicInfo.aspx*.

Or by either of the following methods:

- *Mail:* Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.
- *Hand Delivery/Courier:* Same as Mail above.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments submitted to the Commission should include only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission's regulations.[1] The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from *https://www.cftc.gov* that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the ICR will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

FOR FURTHER INFORMATION CONTACT: Roger Smith, Associate Chief Counsel, Division of Market Oversight, Commodity Futures Trading Commission, (202) 418–5344; email: *rsmith@cftc.gov.* Please refer to OMB Control No. 3038–0074.

SUPPLEMENTARY INFORMATION:

Title: Core Principles and Other Requirements for Swap Execution Facilities (OMB Control No. 3038–0074). This is a request for extension of a currently approved information collection.

Abstract: Title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act (''Dodd-Frank Act'') added new section 5h to the Commodity Exchange Act (''CEA'') to impose requirements concerning the registration and operation of swap execution facilities (''SEFs''), which the Commission has incorporated in part 37 of its regulations. These information collections are needed for the Commission to ensure that SEFs comply with these requirements. Among other requirements, part 37 of the Commission's regulations imposes SEF registration requirements for a trading platform or system, obligates SEFs to provide transaction confirmations to swap counterparties, and requires SEFs to comply with 15 core principles. Collection 3038–0074 was created in response to the part 37 regulatory requirements for SEFs.

In April 2018, the Commission published a 30-Day Notice of Intent to Renew Collection 3038–0074 (30-Day Renewal Notice) and stated that 25 SEFs were registered with the Commission.[2] However, since publication of the 30-Day Renewal Notice, the Commission has granted permanent registration to several additional SEFs, while others SEFs have had their registrations vacated or have been deemed dormant under part 40 of the Commission regulations, for a total of 21 registered SEFs.[3] Therefore, on January 19, 2021,

[1] 17 CFR 145.9.

[2] 83 FR 15557 (Apr. 21, 2018).

[3] This includes 20 SEFs that are currently registered with the Commission and one dormant SEF that is in the process of filing for reinstatement

Continued

the Commission published in the **Federal Register** notice of the proposed extension of this information collection, which proposed revising the below burden statement for OMB Control No. 3038–0074 to account for the decrease in the number of registered SEFs, and provided 60 days for public comment on the proposed extension, 86 FR 5147, (Jan. 19, 2021) (60-Day Renewal Notice). The Commission received four non-substantive comments on the 60-Day Renewal Notice.

Burden Statement: The Commission is revising its estimate of the burden for this collection to account for the change in the number of SEFs currently registered with the Commission. The respondent burden for this collection is estimated to be as follows:

Estimated Number of Respondents: 21.

Estimated Average Burden Hours per Respondent: 21,000.

Estimated Total Annual Burden Hours: 21,000.[4]

Frequency of Collection: As applicable.

There are no capital costs or operating and maintenance costs associated with this collection.

(Authority: 44 U.S.C. 3501 *et seq.*)

Dated: April 13, 2021.

Robert Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2021–07870 Filed 4–15–21; 8:45 am]

BILLING CODE 6351–01–P

CONSUMER PRODUCT SAFETY COMMISSION

Sunshine Act Meeting Notice

TIME AND DATE: Wednesday, April 14, 2021; 2:00 p.m.

PLACE: This meeting will be conducted by remote means.

STATUS: Commission Meeting—Closed to the Public.

MATTER TO BE CONSIDERED: Briefing and Decisional Matters.

CONTACT PERSON FOR MORE INFORMATION: Alberta E. Mills, Secretary, Division of the Secretariat, Office of the General Counsel, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, (301) 504–7479 (Office) or 240–863–8938 (cell).

in accordance with Commission regulation 37.3(d) and is currently operating under staff no-action relief. *See* CFTC Letter No. 20–29, available at *https://www.cftc.gov/csl/20-29/download.*

[4] The Commission notes that collection 3038–0074 includes an additional 1,200 burden hours for SEF registration applicants that have not been affected by this amendment. Therefore, the total burden for this collection is 22,200 hours.

Dated: April 14, 2021.

Alberta E. Mills,

Secretary.

[FR Doc. 2021–07973 Filed 4–14–21; 11:15 am]

BILLING CODE 6355–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2020–OS–0052]

Submission for OMB Review; Comment Request

AGENCY: Defense Finance and Accounting Service (DFAS), Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by May 17, 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: Angela James, 571–372–7574, or *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Personal Check Cashing Agreement, DD Form 2761, OMB Control Number 0730–0005.

Type of Request: Extension.

Number of Respondents: 4,748.

Responses per Respondent: 1.

Annual Responses: 4,748.

Average Burden per Response: 15 minutes.

Annual Burden Hours: 1,187.

Needs and Uses: The information collection requirement is necessary to meet the Department of Defense's (DoD) requirement for cashing personal checks overseas and afloat by DoD disbursing activities, as provided in 31 U.S.C. 3342. The DoD Financial Management Regulation, Volume 5, provides guidance to DoD disbursing officers in the performance of this information collection. This allows the DoD disbursing officer or authorized agent the authority to offset the pay without prior notification in cases where this form has been signed subject to conditions specified within the approved procedures.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name, Docket ID number, and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

DoD Clearance Officer: Ms. Angela James.

Requests for copies of the information collection proposal should be sent to Ms. James at *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

Dated: April 12, 2021.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2021–07766 Filed 4–15–21; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

[Docket ID: DoD–2021–HA–0023]

Proposed Collection; Comment Request

AGENCY: The Office of the Assistant Secretary of Defense for Health Affairs, Department of Defense (DoD).

ACTION: Information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Defense Health Agency announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and

clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by June 15, 2021.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: The DoD cannot receive written comments at this time due to the COVID–19 pandemic. Comments should be sent electronically to the docket listed above.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Office of Information Management; 4800 Mark Center Drive, Suite 03F09, Alexandria, VA 22311; ATTN: Ms. Angela Duncan or call 571–372–7574.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: COVID–19 Vaccine Screening and Immunization Documentation; DHA Form 207; OMB Control Number 0720–0068.

Needs and Uses: The Defense Health Agency (DHA) has created the DHA Form 207, ''COVID–19 Vaccine Screening and Immunization Documentation'' to determine if the COVID–19 vaccine can be administered to a patient. The DHA Form 207 is used to determine and document patient eligibility and vaccine declinations for a COVID–19 vaccination. Respondents include Active Duty military members, Federal employees, beneficiaries, and contractors (based on their employment) who wish to receive the vaccine.

Affected Public: Individuals or households.

Annual Burden Hours: 1,500,000.

Number of Respondents: 9,000,000.

Responses per Respondent: 1.

Annual Responses: 9,000,000.

Average Burden per Response: 10 minutes.

Frequency: On occasion.

Dated: April 13, 2021.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2021–07828 Filed 4–15–21; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2021–SCC–0059]

Agency Information Collection Activities; Comment Request; Federal Student Loan Program Deferment Request Forms

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension without change of a currently approved collection.

DATES: Interested persons are invited to submit comments on or before June 15, 2021.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2021–SCC–0059. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the *regulations.gov* site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov*. Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the PRA Coordinator of the Strategic Collections and Clearance Governance and Strategy Division, U.S. Department of Education, 400 Maryland Ave. SW, LBJ, Room 6W208C, Washington, DC 20202–8240.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Beth Grebeldinger, (202) 377–4018.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Federal Student Loan Program Deferment Request Forms.

OMB Control Number: 1845–0011.

Type of Review: Extension without change of a currently approved collection.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 683,903.

Total Estimated Number of Annual Burden Hours: 109,426.

Abstract: These forms serve as the means by which borrowers in the William D. Ford Federal Direct Loan (Direct Loan), Federal Family Education Loan (FFEL) and the Federal Perkins Loan (Perkins Loan) Programs may request deferment of repayment on their loans if they meet certain statutory and regulatory criteria. The U.S. Department of Education and other loan holders uses the information collected on these forms to determine whether a borrower meets the eligibility requirements for the specific deferment type being submitted.

Dated: April 12, 2021.

Juliana Pearson,

PRA Coordinator, Strategic Collections and Clearance Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2021–07799 Filed 4–15–21; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP21–94–000]

Transcontinental Gas Pipe Line Company, LLC; Notice of Application and Establishing Intervention Deadline

Take notice that on March 26, 2021, Transcontinental Gas Pipe Line Company, LLC (Transco), P.O. Box 1396, Houston, Texas 77251, filed in the above referenced docket an application pursuant to section 7(b) and 7(c) of the Natural Gas Act (NGA) and Parts 157 and 284 of the Commission's regulations to construct, install, modify, operate and maintain its Regional Energy Access Expansion (REAE Project), an expansion of Transco's existing pipeline system that will enable Transco to provide an additional 829,400 dekatherms per day of firm transportation service to shippers (Project Shippers), and to abandon certain compression facilities. Transco estimates that the REAE Project will cost approximately $950.05 million, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Specifically, Transco proposes to: (1) Construct 22.3 miles of 30-inch-diameter pipeline in Luzerne County, Pennsylvania; (2) construct 13.8 miles of 42-inch-diameter pipeline in Monroe County, Pennsylvania; (3) construct the new 11,107 hp Compressor Station 201 in Gloucester County, New Jersey; (4) construct an additional 15,800 hp at its existing Compressor Station 505 in Somerset County, New Jersey; (5) construct an additional 46,742 hp at its existing Compressor Station 515 in Luzerne County, Pennsylvania; (6) increase the certificated station compression by 5,000 hp at its existing Compressor Station 195 in York County, Pennsylvania; (7) modify its existing Compressor Station 200 in Chester County, Pennsylvania; (8) increase the certificated station compression by 4,100 hp at its existing Compressor Station 207 in Middlesex County, New Jersey; and (9) additional modifications to tie-ins, regulators, and delivery meter stations in Pennsylvania, New Jersey, and Maryland. Transco states that it has executed binding precedent agreements with the Project Shippers for 100% of the incremental firm transportation service under the REAE Project.

Transco's application states that a water quality certificate under section 401 of the Clean Water Act is required for the project from the Pennsylvania Department of Environmental Protection. The request for certification must be submitted to the certifying agency and to the Commission concurrently. Proof of the certifying agency's receipt date must be filed no later than five (5) days after the request is submitted to the certifying agency.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions concerning this application should be directed to Nick Baumann, at (713) 215–3383, P.O. Box 1396, Houston, Texas 77251, or by email at *nick.baumann@williams.com.*

Pursuant to section 157.9 of the Commission's Rules of Practice and Procedure,[1] within 90 days of this Notice the Commission staff will either: Complete its environmental review and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or environmental assessment (EA) for this proposal. The filing of an EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Public Participation

There are two ways to become involved in the Commission's review of this project: You can file comments on the project, and you can file a motion to intervene in the proceeding. There is no fee or cost for filing comments or intervening. The deadline for filing a motion to intervene is 5:00 p.m. Eastern Time on April 30, 2021.

Comments

Any person wishing to comment on the project may do so. Comments may include statements of support or objections to the project as a whole or specific aspects of the project. The more specific your comments, the more useful they will be. To ensure that your comments are timely and properly recorded, please submit your comments on or before April 30, 2021.

There are three methods you can use to submit your comments to the Commission. In all instances, please reference the Project docket number (CP21–94–000) in your submission.

(1) You may file your comments electronically by using the eComment feature, which is located on the Commission's website at *www.ferc.gov* under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You may file your comments electronically by using the eFiling feature, which is located on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; first select ''General'' and then select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the following address below.[2] Your written comments must reference the Project docket number (CP21–94–000).

Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426

[1] 18 CFR (Code of Federal Regulations) § 157.9.

[2] Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of comments (options 1 and 2 above) and has eFiling staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov*.

Persons who comment on the environmental review of this project will be placed on the Commission's environmental mailing list, and will receive notification when the environmental documents (EA or EIS) are issued for this project and will be notified of meetings associated with the Commission's environmental review process.

The Commission considers all comments received about the project in determining the appropriate action to be taken. However, the filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding. For instructions on how to intervene, see below.

Interventions

Any person, which includes individuals, organizations, businesses, municipalities, and other entities,[3] has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure [4] and the regulations under the NGA [5] by the intervention deadline for the project, which is April 30, 2021. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at *https://www.ferc.gov/resources/guides/how-to/intervene.asp.*

All timely, unopposed motions to intervene are automatically granted by operation of Rule 214(c)(1). Motions to intervene that are filed after the intervention deadline are untimely and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

There are two ways to submit your motion to intervene. In both instances, please reference the Project docket number (CP21–94–000) in your submission.

(1) You may file your motion to intervene by using the Commission's eFiling feature, which is located on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; first select ''General'' and then select ''Intervention.'' The eFiling feature includes a document-less intervention option; for more information, visit *https://www.ferc.gov/docsfiling/efiling/document-less-intervention.pdf*; or

(2) You can file a paper copy of your motion to intervene, along with three copies, by mailing the documents to the address below.[6] Your motion to intervene must reference the Project docket number (CP21–94–000).

Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426

The Commission encourages electronic filing of motions to intervene (option 1 above) and has eFiling staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.*

Motions to intervene must be served on the applicant either by mail or email at: P.O. Box 1396, Houston, Texas 77251, or by email at *nick.baumann@williams.com.* Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online. Service can be via email with a link to the document.

All timely, unopposed [7] motions to intervene are automatically granted by operation of Rule 214(c)(1).[8] Motions to intervene that are filed after the intervention deadline are untimely, and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations.[9] A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website at *www.ferc.gov* using the ''eLibrary'' link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to *www.ferc.gov/docsfiling/esubscription.asp*.

Intervention Deadline: 5:00 p.m. Eastern Time on April 30, 2021.

Dated: April 9, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–07866 Filed 4–15–21; 8:45 am]

BILLING CODE 6717–01–P

[3] 18 CFR 385.102(d).

[4] 18 CFR 385.214.

[5] 18 CFR 157.10.

[6] Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

[7] The applicant has 15 days from the submittal of a motion to intervene to file a written objection to the intervention.

[8] 18 CFR 385.214(c)(1).

[9] 18 CFR 385.214(b)(3) and (d).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC21–16–000]

Commission Information Collection Activities (FERC–582); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission, Department of Energy.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal

Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection, FERC–582 (Electric Fees, Annual Charges, Waivers, and Exemptions).

DATES: Comments on the collection of information are due June 15, 2021.

ADDRESSES: You may submit copies of your comments (identified by Docket No. IC21–16–000) by one of the following methods: Electronic filing through *http://www.ferc.gov,* is preferred.

- *Electronic Filing:* Documents must be filed in acceptable native applications and print-to-PDF, but not in scanned or picture format.
- For those unable to file electronically, comments may be filed by USPS mail or by hand (including courier) delivery:
  - *Mail via U.S. Postal Service Only:* Addressed to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.
  - *Hand (including courier) delivery:* Deliver to: Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov.* For user assistance, contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at (866) 208–3676 (toll-free).

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *http://www.ferc.gov.*

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov,* telephone at (202) 502–8663.

SUPPLEMENTARY INFORMATION:

Title: FERC–582, Electric Fees, Annual Charges, Waivers, and Exemptions.

OMB Control No.: 1902–0132.

Type of Request: Three-year extension of the FERC–582 information collection requirements with no changes to the current reporting requirements.

Abstract: The information required by FERC–582 is contained in Title 18 Code of Federal Regulations (CFR) parts 381 [1] and 382. [2]

The Commission uses the FERC–582 to implement the statutory provisions of the Independent Offices Appropriation Act of 1952 (IOAA) [3] which authorizes the Commission to establish fees for its services. In addition, the Omnibus Budget Reconciliation Act of 1986 (OBRA) [4] authorizes the Commission to assess and collect fees and annual charges in any fiscal year in amounts equal to all the costs incurred by the Commission in that fiscal year.

To comply with the FERC–582, respondents submit to the Commission the sum of the megawatt-hours (MWh) of all unbundled transmission (including MWh delivered in wheeling transactions and MWh delivered in exchange transactions) and the megawatt-hours of all bundled wholesale power sales (to the extent the bundled wholesale power sales were not separately reported as unbundled transmission). The data collected in the FERC–582 are drawn directly from the FERC Form 1(Annual Report of Major Electric Utilities, Licensees and Others) [5] transmission data. The Commission sums the costs of its electric regulatory program and subtracts all electric regulatory program filing fee collections to determine the total collectible electric regulatory program costs. Then, the Commission uses the data submitted under FERC–582 to determine the total megawatt-hours of transmission of electric energy in interstate commerce. Respondents (public utilities and power marketers) subject to these annual charges must submit FERC–582 data to the Commission by April 30 of each year. [6] The Commission issues bills for annual charges to respondents. Then, respondents must pay the charges within 45 days of the Commission's issuance of the bill.

Respondents file requests for waivers and exemptions of fees and charges [7] based on need. The Commission's staff uses the filer's financial information to evaluate the request for a waiver or exemption of the obligation to pay a fee or an annual charge.

Estimate of Annual Burden: [8] Due to the reduction in respondents the Commission estimates the burden and cost [9] for this information collection as follows.

FERC–582, ELECTRIC FEES, ANNUAL CHARGES, WAIVERS, AND EXEMPTIONS DOCKET NO. IC21–16–000 [10]

Number of respondents	Annual number of responses per respondent	Total number of responses	Average burden & cost per response	Total annual burden hrs. & cost	Cost per respondent
(1)	(2)	(1) x (2) = (3)	(4)	(3) * (4) = (5)	(5) / (1) = (5)
53	1	53	2.39 hrs.; $198.37	126.67 hrs.; $10,513.61	$198.37

Comments: Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

[1] 18 CFR, Sections 381.105, 381.106, 381.108, 381.302, and 381.305.

[2] 18 CFR, Sections 382.102, 382.103, 382.105, 382.106, and 382.201.

[3] 31 U.S.C. 9701.

[4] 42 U.S.C. 7178.

[5] OMB Control No. 1902–0021, described in 18 CFR 141.1.

[6] 18 CFR 382.201.

[7] 18 CFR parts 381 and 382.

[8] Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, refer to 5 CFR part 1320.

[9] The Commission staff estimates that the average respondent for this collection is similarly situated to the Commission, in terms of salary plus benefits. Based on FERC's 2020 annual average of $172,329 (for salary plus benefits), the average hourly cost is $83/hour.

[10] This includes requirements of 18 CFR 381.105 (methods of payment), 381.106 (waiver), 381.108 (exemption), 381.302 (declaratory order), 381.303 (review of DOE remedial order), 381.304 (DOE denial of adjustment), and 381.305 (OGC interpretation).

Dated: April 9, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–07868 Filed 4–15–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC21–75–000.

Applicants: Waterbury Generation LLC, Hull Street Energy, LLC.

Description: Joint Application for Authorization Under Section 203 of the Federal Power Act of Waterbury Generation LLC, et al.

Filed Date: 04/09/2021.

Accession Number: 20210409–5357.

Comment Date: 5 p.m. ET 4/30/21.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG21–120–000.

Applicants: BMP Wind LLC.

Description: Notice of Self Certification of Exempt Wholesale Generator Status of BMP Wind LLC.

Filed Date: 4/12/21.

Accession Number: 20210412–5598.

Comments Due: 5 p.m. ET 5/3/21.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER21–1657–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Original ISA No. 6003; Queue No. AF1–102 to be effective 3/11/2021.

Filed Date: 4/12/21.

Accession Number: 20210412–5465.

Comments Due: 5 p.m. ET 5/3/21.

Docket Numbers: ER21–1658–000.

Applicants: Alabama Power Company.

Description: § 205(d) Rate Filing: Hobnail Solar LGIA Filing to be effective 3/29/2021.

Filed Date: 4/12/21.

Accession Number: 20210412–5625.

Comments Due: 5 p.m. ET 5/3/21.

Docket Numbers: ER21–1659–000.

Applicants: Ohio Power Company, AEP Ohio Transmission Company, Inc., American Electric Power Service Corporation, PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: AEP submits the Hardin Solar FA re: ILDSA SA No. 1336 to be effective 6/12/2021.

Filed Date: 4/12/21.

Accession Number: 20210412–5636.

Comments Due: 5 p.m. ET 5/3/21.

Docket Numbers: ER21–1660–000.

Applicants: Arizona Public Service Company.

Description: § 205(d) Rate Filing: Service Agreement No. 363—Amendment Nos. 2 & 3 to be effective 5/15/2020.

Filed Date: 4/12/21.

Accession Number: 20210412–5681.

Comments Due: 5 p.m. ET 5/3/21.

Docket Numbers: ER21–1661–000.

Applicants: Arizona Public Service Company.

Description: Tariff Cancellation: Service Agreement No. 363—Notice of Cancellation to be effective 5/15/2021.

Filed Date: 4/12/21.

Accession Number: 20210412–5713.

Comments Due: 5 p.m. ET 5/3/21.

Docket Numbers: ER21–1662–000.

Applicants: Indianapolis Power & Light Company.

Description: Application to Modify Reactive Power and Voltage Control Revenue Requirement of Indianapolis Power & Light Company.

Filed Date: 04/09/2021.

Accession Number: 20210409–5382.

Comments Due: 5 p.m. ET 4/30/21.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES21–36–000.

Applicants: El Paso Electric Company.

Description: Application Under Section 204 of the Federal Power Act for Authorization to Issue Securities of El Paso Electric Company.

Filed Date: 04/09/2021.

Accession Number: 20210409–5356.

Comments Due: 5 p.m. ET 4/30/21.

Docket Numbers: ES21–37–000.

Applicants: DTE Electric Company.

Description: Application under Section 204 of the Federal Power Act for Authorization to Issue Securities for DTE Electric Company.

Filed Date: 4/12/21.

Accession Number: 20210412–5518.

Comments Due: 5 p.m. ET 5/3/21.

Take notice that the Commission received the following PURPA 210(m)(3) filings:

Docket Numbers: QM21–16–000.

Applicants: Northern States Power Company, a Minnesota Corporation, Northern States Power Company, a Wisconsin Corporation.

Description: Application of Northern States Power Company, a Minnesota Corporation, et al. to Terminate Its Mandatory Purchase Obligation under the Public Utility Regulatory Policies Act of 1978.

Filed Date: 04/09/2021.

Accession Number: 20210409–5380.

Comments Due: 5 p.m. ET 5/7/21.

Docket Numbers: QM21–17–000.

Applicants: Arkansas Electric Cooperative Corporation.

Description: Application of Arkansas Electric Cooperative Corporation to Terminate Its Mandatory Purchase Obligation under the Public Utility Regulatory Policies Act of 1978.

Filed Date: 04/12/2021.

Accession Number: 20210412–5789.

Comments Due: 5 p.m. ET 5/10/21.

Docket Numbers: QM21–18–000.

Applicants: Arkansas Electric Cooperative Corporation.

Description: Application of Arkansas Electric Cooperative Corporation to Terminate its Mandatory Purchase Obligation under the Public Utility Regulatory Policies Act of 1978.

Filed Date: 04/12/2021.

Accession Number: 20210412–5796.

Comments Due: 5 p.m. ET 5/10/21.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 12, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–07834 Filed 4–15–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL21–65–000]

Holy Cross Electric Association, Inc.; Notice of Petition for Declaratory Order

April 12, 2021.

Take notice that on March 31, 2021, pursuant to Rule 207 of the Federal Energy Regulatory Commission's

(Commission) Rules of Practice and Procedure, 18 CFR 385.207, Holy Cross Electric Association, Inc. (HCE), filed a petition for declaratory order (Petition) requesting that the Commission find that HCE has the right to capacity offsets against the Full Requirements Service obligations otherwise required under the Power Supply Agreement for the power it purchases from Qualifying Facilities (QF) on its system; the right to use firm transmission under the Transmission Integration and Equalization Agreement; and the right to connect QFs to the Holy Cross system using its own interconnection procedures, as more fully explained in the petition.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Comment Date: 5:00 p.m. Eastern time on May 5, 2021.

Dated: April 12, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–07844 Filed 4–15–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD21–9–000]

The Office of Public Participation; Second Supplemental Notice of Workshop

As announced in the Notice of Workshop issued on February 22, 2021, and in the Supplemental Notice of Workshop issued on April 5, 2021, in the above-referenced proceeding, the Commission will convene a Commissioner-led workshop on Friday, April 16, 2021, from approximately 9:00 a.m. to 5:00 p.m. ET. The purpose of this workshop is to provide interested parties with the opportunity to provide input to the Commission on the creation of the Office of Public Participation (OPP).

The updated agenda for the workshop is attached. The workshop will be open for the public to attend electronically, and there is no fee for attendance. Information on the workshop will be posted on the Calendar of Events and the OPP Workshop on the Commission's website, *www.ferc.gov,* prior to the event. The conference will be transcribed.

The workshop will be accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please send an email to *accessibility@ferc.gov* or call toll free 1–866–208–3372 (voice) or 202–208–8659 (TTY), or send a fax to 202–208–2106 with the required accommodations.

For more information about this workshop, please contact Stacey Steep of the Office of General Counsel at (202) 502–8148, or send an email to *OPPWorkshop@ferc.gov.* For logistical issues, contact Sarah McKinley, (202) 502–8368, *sarah.mckinley@ferc.gov.*

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–07830 Filed 4–15–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP21–724–000.

Applicants: East Tennessee Natural Gas, LLC.

Description: § 4(d) Rate Filing: Updates to Tariff Contact Person to be effective 5/8/2021.

Filed Date: 4/8/21.

Accession Number: 20210408–5057.

Comments Due: 5 p.m. ET 4/20/21.

Docket Numbers: RP21–725–000.

Applicants: Saltville Gas Storage Company L.L.C.

Description: § 4(d) Rate Filing: SGSC Tariff Contact Person Update to be effective 5/8/2021.

Filed Date: 4/8/21.

Accession Number: 20210408–5064.

Comments Due: 5 p.m. ET 4/20/21.

Docket Numbers: RP21–726–000.

Applicants: Southeast Supply Header, LLC.

Description: § 4(d) Rate Filing: Update to Tariff Contact Person to be effective 5/8/2021.

Filed Date: 4/8/21.

Accession Number: 20210408–5089.

Comments Due: 5 p.m. ET 4/20/21.

Docket Numbers: RP21–727–000.

Applicants: ANR Pipeline Company.

Description: Compliance filing Petition for Limited Waivers.

Filed Date: 4/8/21.

Accession Number: 20210408–5236.

Comments Due: 5 p.m. ET 4/13/21.

Docket Numbers: RP21–728–000.

Applicants: Columbia Gas Transmission, LLC.

Description: Compliance filing Petition for Limited Waivers.

Filed Date: 4/8/21.

Accession Number: 20210408–5237.

Comments Due: 5 p.m. ET 4/13/21.

Docket Numbers: RP21–729–000.

Applicants: Columbia Gulf Transmission, LLC.

Description: Compliance filing Petition for Limited Waivers.

Filed Date: 4/8/21.

Accession Number: 20210408–5245.

Comments Due: 5 p.m. ET 4/13/21.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211

and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 12, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–07827 Filed 4–15–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP21–113–000]

Alliance Pipeline L.P.; Notice of Application and Establishing Intervention Deadline

Take notice that on April 1, 2021, Alliance Pipeline L.P. (Alliance) filed an abbreviated application under Section 7(c) of the Natural Gas Act for its purposed Three Rivers Interconnection Project (Project). Specifically, Alliance requests: (i) Authorization to construct, own operate and maintain 2.85 miles of 20-inch diameter pipeline, a new meter and regulating station and related appurtenances to provide natural gas to Competitive Power Ventures' new Three Rivers Energy Center, a power generation facility currently under construction in Grundy County, Illinois; and (ii) any waivers, authority, and further relief as may be necessary to implement the proposal contained in its application. Alliance estimates the total cost of the Project to be $27.7 million, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Alliance's application states that a water quality certificate under section 401 of the Clean Water Act is required for the project from the Illinois Environmental Protection Agency. The request for certification must be submitted to the certifying agency and to the Commission concurrently. Proof of the certifying agency's receipt date must be filed no later than five (5) days after the request is submitted to the certifying agency.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions regarding this Application should be directed to Estela D. Lozano, Manager, Rates and Certificates, Alliance Pipeline L.P., P.O. Box 1642, Houston, Texas 77251–1642, or telephone (713) 627–4522, or fax (713) 627–5947 or by email *estela.lozano@enbridge.com.*

Pursuant to section 157.9 of the Commission's Rules of Practice and Procedure,[1] within 90 days of this Notice the Commission staff will either: Complete its environmental review and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or environmental assessment (EA) for this proposal. The filing of an EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Public Participation

There are two ways to become involved in the Commission's review of this project: You can file comments on the project, and you can file a motion to intervene in the proceeding. There is no fee or cost for filing comments or intervening. The deadline for filing a motion to intervene is 5:00 p.m. Eastern Time on May 3, 2021.

Comments

Any person wishing to comment on the project may do so. Comments may include statements of support or objections to the project as a whole or specific aspects of the project. The more specific your comments, the more useful they will be. To ensure that your comments are timely and properly recorded, please submit your comments on or before May 3, 2021.

There are three methods you can use to submit your comments to the Commission. In all instances, please reference the Project docket number (CP21–113–000) in your submission.

(1) You may file your comments electronically by using the eComment feature, which is located on the Commission's website at *www.ferc.gov* under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You may file your comments electronically by using the eFiling feature, which is located on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; first select ''General'' and then select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the following address below.[2] Your written comments must reference the Project docket number (CP21–113–000).

Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426

The Commission encourages electronic filing of comments (options 1 and 2 above) and has eFiling staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov*.

Persons who comment on the environmental review of this project will be placed on the Commission's environmental mailing list, and will receive notification when the environmental documents (EA or EIS) are issued for this project and will be notified of meetings associated with the Commission's environmental review process.

[1] 18 CFR (Code of Federal Regulations) § 157.9.

[2] Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission considers all comments received about the project in determining the appropriate action to be taken. However, the filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding. For instructions on how to intervene, see below.

Interventions

Any person, which includes individuals, organizations, businesses, municipalities, and other entities,[3] has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure [4] and the regulations under the NGA [5] by the intervention deadline for the project, which is May 3, 2021. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at *https://www.ferc.gov/resources/guides/how-to/intervene.asp.*

All timely, unopposed motions to intervene are automatically granted by operation of Rule 214(c)(1). Motions to intervene that are filed after the intervention deadline are untimely and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

There are two ways to submit your motion to intervene. In both instances, please reference the Project docket number (CP21–113–000) in your submission.

(1) You may file your motion to intervene by using the Commission's eFiling feature, which is located on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; first select ''General'' and then select ''Intervention.'' The eFiling feature includes a document-less intervention option; for more information, visit *https://www.ferc.gov/docsfiling/efinling/document-less-intervention.pdf.;* or

(2) You can file a paper copy of your motion to intervene, along with three copies, by mailing the documents to the address below.[6] Your motion to intervene must reference the Project docket number (CP21–113–000).

Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426

The Commission encourages electronic filing of motions to intervene (option 1 above) and has eFiling staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.*

Motions to intervene must be served on the applicant either by mail or email at: P.O. Box 1642, Houston, Texas 77251, or by email at *estela.lozano@enbridge.com.* Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online. Service can be via email with a link to the document.

All timely, unopposed [7] motions to intervene are automatically granted by operation of Rule 214(c)(1).[8] Motions to intervene that are filed after the intervention deadline are untimely, and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations.[9] A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website at *www.ferc.gov* using the ''eLibrary'' link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to *www.ferc.gov/docsfiling/esubscription.asp.*

Intervention Deadline: 5:00 p.m. Eastern Time on May 3, 2021.

Dated: April 12, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–07846 Filed 4–15–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER21–1653–000]

Deer Creek Solar I LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Deer Creek Solar I LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard

[3] 18 CFR 385.102(d).

[4] 18 CFR 385.214.

[5] 18 CFR 157.10.

[6] Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

[7] The applicant has 15 days from the submittal of a motion to intervene to file a written objection to the intervention.

[8] 18 CFR 385.214(c)(1).

[9] 18 CFR 385.214(b)(3) and (d).

to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is May 3, 2021.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Dated: April 12, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–07831 Filed 4–15–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER16–29–001.

Applicants: Greenidge Generation LLC.

Description: Triennial Market Power Analysis for Northeast Region of Greenidge Generation LLC.

Filed Date: 4/9/21.

Accession Number: 20210409–5230.

Comments Due: 5 p.m. ET 6/8/21.

Docket Numbers: ER16–2449–003; ER21–628–003.

Applicants: Boulder Solar II, LLC, Harry Allen Solar Energy LLC.

Description: Notice of Change in Status of Boulder Solar II, LLC, et al.

Filed Date: 4/8/21.

Accession Number: 20210408–5315.

Comments Due: 5 p.m. ET 4/29/21.

Docket Numbers: ER20–1210–003.

Applicants: Hazleton Generation LLC.

Description: Compliance filing: Reactive Service Tariff—Compliance Filing to be effective 4/1/2020.

Filed Date: 4/9/21.

Accession Number: 20210409–5113.

Comments Due: 5 p.m. ET 4/30/21.

Docket Numbers: ER21–632–001.

Applicants: Toms River Merchant Solar, LLC.

Description: Notice of Non-Material Change in Status of Toms River Merchant Solar, LLC.

Filed Date: 4/8/21.

Accession Number: 20210408–5318.

Comments Due: 5 p.m. ET 4/29/21.

Docket Numbers: ER21–1136–001.

Applicants: Union Electric Company.

Description: Tariff Amendment: Co-Tenancy and Shared Facilities Agreement to be effective 1/14/2021.

Filed Date: 4/9/21.

Accession Number: 20210409–5165.

Comments Due: 5 p.m. ET 4/30/21.

Docket Numbers: ER21–1150–001.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Tariff Amendment: 2021–04–09_Amendment to Q1 Clean Up Filing to be effective 6/12/2020.

Filed Date: 4/9/21.

Accession Number: 20210409–5240.

Comments Due: 5 p.m. ET 4/16/21.

Docket Numbers: ER21–1644–000.

Applicants: Rolling Hills Generating, L.L.C.

Description: Request for Limited Waiver, et al. of Rolling Hills Generating, L.L.C.

Filed Date: 4/8/21.

Accession Number: 20210408–5313.

Comments Due: 5 p.m. ET 4/19/21.

Docket Numbers: ER21–1645–000.

Applicants: Buchanan County Solar Project, LLC.

Description: Petition for Limited Waiver, et al. of Buchanan County Solar Project, LLC.

Filed Date: 4/8/21.

Accession Number: 20210408–5316.

Comments Due: 5 p.m. ET 4/19/21.

Docket Numbers: ER21–1646–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Original ISA No. 5999; Queue No. AC2–012 to be effective 3/10/2021.

Filed Date: 4/9/21.

Accession Number: 20210409–5112.

Comments Due: 5 p.m. ET 4/30/21.

Docket Numbers: ER21–1647–000.

Applicants: Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc, Orange and Rockland Utilities, Inc., Niagara Mohawk Power Corporation, New York State Electric & Gas Corporation, Rochester Gas and Electric Corporation, New York Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 205 filing on behalf of NYTOs re: TO Funding of Transmission Upgrades to be effective 6/9/2021.

Filed Date: 4/9/21.

Accession Number: 20210409–5191.

Comments Due: 5 p.m. ET 4/30/21.

Docket Numbers: ER21–1648–000.

Applicants: Southern California Edison Company.

Description: § 205(d) Rate Filing: DSA, Bright Canyon Energy Corporation—BCE Los Alamitos 1 SA No. 1140 to be effective 6/9/2021.

Filed Date: 4/9/21.

Accession Number: 20210409–5218.

Comments Due: 5 p.m. ET 4/30/21.

Docket Numbers: ER21–1649–000.

Applicants: Southern California Edison Company.

Description: § 205(d) Rate Filing: DSA, Bright Canyon Energy Corporation—BCE Los Alamitos 2 SA No. 1142 to be effective 6/9/2021.

Filed Date: 4/9/21.

Accession Number: 20210409–5219.

Comments Due: 5 p.m. ET 4/30/21.

Docket Numbers: ER21–1650–000.

Applicants: ISO New England Inc., NSTAR Electric Company.

Description: Compliance filing: NSTAR Electric Company; Order No. 864 Supplmental Compliance Filing to be effective 1/1/2020.

Filed Date: 4/9/21.

Accession Number: 20210409–5250.

Comments Due: 5 p.m. ET 4/30/21.

Docket Numbers: ER21–1651–000.

Applicants: Arizona Public Service Company.

Description: § 205(d) Rate Filing: Service Agreement No. 388—AES E&P Agreement to be effective 3/26/2021.

Filed Date: 4/9/21.

Accession Number: 20210409–5255.

Comments Due: 5 p.m. ET 4/30/21.

Docket Numbers: ER21–1652–000.

Applicants: Public Service Company of Colorado.

Description: § 205(d) Rate Filing: 2021–04–09 OATT-Transmn Svc Study Filing to be effective 6/8/2021.

Filed Date: 4/9/21.

Accession Number: 20210409–5259.

Comments Due: 5 p.m. ET 4/30/21.

Docket Numbers: ER21–1653–000.

Applicants: Deer Creek Solar I LLC.

Description: Baseline eTariff Filing: Deer Creek Solar I LLC MBR Tariff to be effective 4/10/2021.

Filed Date: 4/9/21.

Accession Number: 20210409–5283.

Comments Due: 5 p.m. ET 4/30/21.

Docket Numbers: ER21–1654–000.

Applicants: ISO New England Inc., The Connecticut Light and Power Company.

Description: Compliance filing: Connecticut Light and Power; Order No. 864 Supplemental Compliance Filing to be effective 1/1/2020.

Filed Date: 4/9/21.

Accession Number: 20210409–5291.

Comments Due: 5 p.m. ET 4/30/21.

Docket Numbers: ER21–1656–000.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Cancellation: Notice of Cancellation of ISA, SA No. 4856; Queue No. AA2–121/AB2–104/AC1–003 to be effective 5/25/2021.

Filed Date: 4/9/21.

Accession Number: 20210409–5313.

Comments Due: 5 p.m. ET 4/30/21.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated April 9, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–07835 Filed 4–15–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[P–2697–042]

Northern States Power Company; Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Non-capacity amendment to modify dam spillway.

b. *Project No.:* 2697–042.

c. *Date Filed:* February 4, 2021, supplemented March 26, 2021.

d. *Applicant:* Northern States Power Company.

e. *Name of Project:* Cedar Falls Hydroelectric Project.

f. *Location:* The project is located on the Red Cedar River in Dunn County, Wisconsin.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Matthew Miller, 1414 West Hamilton Avenue, P.O. Box 8, Eau Claire, WI 54702, (715) 737–1353.

i. *FERC Contact:* Mr. Steven Sachs, (202) 502–8666, *Steven.Sachs@ferc.gov.*

j. Deadline for filing comments, motions to intervene, and protests is 30 days from the issuance of this notice by the Commission. The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/doc-sfiling/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. The first page of any filing should include docket number P–2697–042.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Request:* The applicant proposes to modify the dam to increase its flow capacity in order to safely pass the inflow design flood. To do so, the applicant intends to fill most of the existing Amberson-style dam with mass concrete, redesign the existing Tainter gate spillway at the right side of the dam as a non-overflow dam section, convert an adjacent section of the dam to a larger Tainter gate spillway, construct a stilling basin below this new spillway, and deepen a crest gate section to aid in flow and debris management. Construction activities are expected to commence in 2021 and be completed in 2023. The proposed modifications are not expected to affect the operating regime or reservoir elevation and flow requirements.

l. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Motions to Intervene, or Protests:* Anyone may submit comments, a motion to intervene, or a protest in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, motions to intervene, or protests must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* Any filing must (1) bear in all capital letters the title

''COMMENTS'', ''MOTION TO INTERVENE'', or ''PROTEST'' as applicable; (2) set forth in the heading the name of the applicant and the project number(s) of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person intervening or protesting; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Dated: April 12, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–07841 Filed 4–15–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER21–1632–000]

EcoPlus Power, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of EcoPlus Power, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is April 29, 2021.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Dated: April 9, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–07826 Filed 4–15–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL21–64–000]

James H. Bankston, Jr., Ralph B. Pfeiffer, Jr., Mark Johnston, Teresa K. Thorne, GASP, Inc.; Notice of Petition for Enforcement

Take notice that on March 31, 2021, pursuant to section 210(h)(2)(B) of the Public Utility Regulatory Policies Act of 1978 (PURPA), James H. Bankston, Jr., Ralph B. Pfeiffer, Jr., Mark Johnston, Teresa K. Thorne, and GASP, Inc. (together, Petitioners) filed a Petition for Enforcement, requesting that the Federal Energy Regulatory Commission (Commission) initiate an enforcement action against Alabama Public Service Commission to remedy its alleged improper implementation of PURPA, all as more fully explained in their petition.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Petitioners.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on April 23, 2021.

Dated: April 9, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–07833 Filed 4–15–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER21–1638–000]

Daylight I, LLC, Edwards Solar Line I, LLC, and Sanborn Solar Line I, LLC; Supplemental Notice That Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Daylight I, LLC, Edwards Solar Line I, LLC, and Sanborn Solar Line I, LLC, LLC's filing includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is April 29, 2021.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Dated: April 9, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–07824 Filed 4–15–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL21–66–000]

New York Transmission Owners v. New York Independent System Operator, Inc.; Notice of Complaint

Take notice that on April 9, 2021, pursuant to section 206 of the Federal Power Act, 16 U.S.C. 824e and Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206 (2020), Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Niagara Mohawk Power Corporation, New York State Electric & Gas Corporation, Orange and Rockland Utilities, Inc., and Rochester Gas and Electric Corporation (collectively, Complainants or New York Transmission Owners) filed a formal complaint against New York Independent System Operator, Inc. (Respondent or NYISO), alleging that the NYISO's existing Participant Funding Approach results in an unjust and unreasonable rate because it causes the Complainants to incur ongoing, uncompensated risks related to System Upgrade Facilities and System Deliverability Upgrades, all as more fully explained in its complaint.

The Complainants certify that copies of the complaint were served on the contacts listed for Respondent in the Commission's list of Corporate Officials.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov,* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on April 29, 2021.

Dated: April 12, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–07845 Filed 4–15–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project Nos. 2310–240, 14530–002, 14531–001]

Pacific Gas and Electric Company; Notice of Petition for Declaratory Order

Take notice that on April 2, 2021, pursuant to Rule 207 of the Federal

Energy Regulatory Commission's Rules of Practice and Procedure, 18 CFR 385.207 (2020), Pacific Gas and Electric Company (PG&E), filed a petition for declaratory order (Petition) requesting that the Commission declare that the California State Water Resources Control Board has waived its authority to issue a certificate for the Upper Drum-Spaulding Hydroelectric Project No. 2310, Deer Creek Hydroelectric Project No. 14350, and Lower Drum Hydroelectric Project No. 14531 under Section 401 of the Clean Water Act, 33 U.S.C 1341(a)(1), as more fully explained in the Petition.

Any person wishing to comment on PG&E's petition may do so.[1] The deadline for filing comments is 30 days from issuance of this notice. The Commission encourages electronic submission of comments in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should send comments to the following address: Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852. Be sure to reference the project docket numbers (P–2310–240, P–14530–002, and P–14531–001) with your submission.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view/and or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket field to access the document. At this time, the Commission has suspended access to Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, with any FERC Online service, please email *FERCOnlineSupport@ferc.gov* or call (886) 208–3676 (toll free). For TYY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on May 10, 2021

[1] PG&E's request is part of the licensing proceedings in Project Nos. 2310–240, 14530–000, and 14531–000. Thus, any person that intervened in any of the licensing proceedings is already a party. The filing of the petition in this case does not trigger a new opportunity to intervene.

Dated: April 9, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–07862 Filed 4–15–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP21–96–000]

El Paso Natural Gas Company, L.L.C.; Notice of Request Under Blanket Authorization and Establishing Intervention and Protest Deadline

Take notice that on March 30, 2021, El Paso Natural Gas Company, L.L.C. (EPNG) P.O. Box 1087, Colorado Springs, Colorado 80944, filed in the above reference docket a prior notice pursuant to sections 157.205, 157.208(b) and 157.210 of the Commission's regulations under the Natural Gas Act (NGA) and its blanket certificate issued in Docket No. CP82–435–000 for authorization to install enhancements at its existing Vail Compressor Station located in Pima County, Arizona (Vail Enhancement Project). EPNG states that the proposed facilities will create operational efficiencies that will allow 94,500 Dekatherms per day of additional firm transportation capacity from a point at the Dragoon/Willcox Compressor Station complex in Cochise County, Arizona to the existing North Baja Delivery Point located at the Arizona-California border at Ehrenberg, Arizona. EPNG estimates the cost of the Project to be approximately $23.4 million, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions concerning this application should be directed to Francisco Tarin, Director, Regulatory, El Paso Natural Gas Company, L.L.C., P.O. Box 1087, Colorado Springs, Colorado, 80944, by phone at (719) 667–7517, or by email at *Francisco_Tarin@kindermorgan.com.*

Public Participation

There are three ways to become involved in the Commission's review of this project: You can file a protest to the project, you can file a motion to intervene in the proceeding, and you can file comments on the project. There is no fee or cost for filing protests, motions to intervene, or comments. The deadline for filing protests, motions to intervene, and comments is 5:00 p.m. Eastern Time on June 8, 2021. How to file protests, motions to intervene, and comments is explained below.

Protests

Pursuant to section 157.205 of the Commission's regulations under the NGA,[1] any person [2] or the Commission's staff may file a protest to the request. If no protest is filed within the time allowed or if a protest is filed and then withdrawn within 30 days after the allowed time for filing a protest, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request for authorization will be considered by the Commission.

Protests must comply with the requirements specified in section 157.205(e) of the Commission's regulations,[3] and must be submitted by the protest deadline, which is June 8, 2021. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

Interventions

Any person has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission

[1] 18 CFR 157.205.

[2] Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

[3] 18 CFR 157.205(e).

in accordance with Rule 214 of the Commission's Rules of Practice and Procedure [4] and the regulations under the NGA [5] by the intervention deadline for the project, which is June 8, 2021. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at *https://www.ferc.gov/resources/guides/how-to/intervene.asp.*

All timely, unopposed motions to intervene are automatically granted by operation of Rule 214(c)(1). Motions to intervene that are filed after the intervention deadline are untimely and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Comments

Any person wishing to comment on the project may do so. The Commission considers all comments received about the project in determining the appropriate action to be taken. To ensure that your comments are timely and properly recorded, please submit your comments on or before June 8, 2021. The filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding.

How to File Protests, Interventions, and Comments

There are two ways to submit protests, motions to intervene, and comments. In both instances, please reference the Project docket number CP21–96–000 in your submission. The Commission encourages electronic filing of submissions.

(1) You may file your protest, motion to intervene, and comments by using the Commission's eFiling feature, which is located on the Commission's website (*www.ferc.gov)* under the link to Documents and Filings. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; first select ''General'' and then select ''Protest'', ''Intervention'', or ''Comment on a Filing.''

The Commission's eFiling staff are available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.*

(2) You can file a paper copy of your submission. Your submission must reference the Project docket number CP21–96–000.

To mail via USPS, use the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426

To mail via any other courier, use the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852

Protests and motions to intervene must be served on the applicant either by mail or email (with a link to the document) at: P.O. Box 1087, Colorado Springs, Colorado, 80944 or at *Francisco_Tarin@kindermorgan.com.* Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website at *www.ferc.gov* using the ''eLibrary'' link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to *www.ferc.gov/docs-filing/esubscription.asp.*

Dated: April 9, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–07867 Filed 4–15–21; 8:45 am]

BILLING CODE 6717–01–P

[4] 18 CFR 385.214.

[5] 18 CFR 157.10.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 5124–022]

Washington Electric Cooperative, Inc.; Notice of Intent To Prepare an Environmental Assessment

On October 30, 2020, Washington Electric Cooperative, Inc. filed an application for a subsequent minor license to continue operating the existing 933-kilowatt North Branch No. 3 Hydroelectric Project No. 5124 (North Branch 3 Project or project). The project is located on the North Branch Winooski River in Washington County, Vermont. The project does not occupy federal land.

In accordance with the Commission's regulations, on January 28, 2021, Commission staff issued a notice that the project was ready for environmental analysis (REA notice). Based on the information in the record, including comments filed on the REA notice, staff does not anticipate that licensing the project would constitute a major federal action significantly affecting the quality of the human environment. Therefore, staff intends to prepare a draft and final Environmental Assessment (EA) on the application to license the North Branch 3 Project.

The EA will be issued and circulated for review by all interested parties. All comments filed on the EA will be analyzed by staff and considered in the Commission's final licensing decision.

The application will be processed according to the following schedule. Revisions to the schedule may be made as appropriate.

Milestone	Target date
Commission issues Draft EA	October 2021.
Comments on Draft EA	November 2021.
Commission issues Final EA	April 2022.[1]

[1] The Council on Environmental Quality's (CEQ) regulations under 40 CFR 1501.10(b)(1) require that EAs be completed within 1 year of the federal action agency's decision to prepare an EA. This notice establishes the Commission's intent to prepare an EA for the North Branch 3 Project. Therefore, in accordance with CEQ's regulations, the Final EA must be issued within 1 year of the issuance date of this notice.

Any questions regarding this notice may be directed to Michael Tust at (202) 502–6522 or *michael.tust@ferc.gov.*

Dated: April 12, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–07842 Filed 4–15–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 8093–022]

Methuen Falls Hydroelectric Company; Notice of Intent To File License Application, Filing of Pre-Application Document, and Approving Use of The Traditional Licensing Process

a. *Type of Filing:* Notice of Intent to File License Application and Request to Use the Traditional Licensing Process.

b. *Project No.:* 8093–022.

c. *Date Filed:* February 26, 2021.

d. *Submitted By:* Methuen Falls Hydroelectric Company (Methuen Hydro).

e. *Name of Project:* Methuen Falls Project.

f. *Location:* On the Spicket River in Essex County, Massachusetts. No federal lands are occupied by the project works or located within the project boundary.

g. *Filed Pursuant to:* 18 CFR 5.3 and 5.5 of the Commission's regulations.

h. Potential *Applicant Contact:* Kevin Olson, Olson Electric Development Company, Inc., 30r Hampshire Street, Methuen, MA 01844; (978) 975–0400; email at *kevin@olsonelectric.com*.

i. *FERC Contact:* John Baummer at (202) 502–6837; or email at *john.baummer@ferc.gov*.

j. Methuen Hydro filed its request to use the Traditional Licensing Process on February 26, 2021, and provided public notice of the request on February 26, 2021. In a letter dated April 12, 2021, the Director of the Division of Hydropower Licensing approved Methuen Hydro's request to use the Traditional Licensing Process.

k. With this notice, we are initiating informal consultation with the U.S. Fish and Wildlife Service and NOAA Fisheries under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR part 402; and NOAA Fisheries under section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act and implementing regulations at 50 CFR 600.920. We are also initiating consultation with the Massachusetts State Historic Preservation Officer, as required by section 106 of the National Historic Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. With this notice, we are designating Methuen Hydro as the Commission's non-federal representative for carrying out informal consultation pursuant to section 7 of the Endangered Species Act; and consultation pursuant to section 106 of the National Historic Preservation Act.

m. On February 26, 2021, Methuen Hydro filed a Pre-Application Document (PAD; including a proposed process plan and schedule) with the Commission, pursuant to 18 CFR 5.6 of the Commission's regulations.

n. A copy of the PAD may be viewed and/or printed on the Commission's website (*http://www.ferc.gov*), using the ''eLibrary'' link. Enter the docket number, excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued on March 13, 2020. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY).

o. The licensee states its unequivocal intent to submit an application for a subsequent license for Project No. 8093. Pursuant to 18 CFR 16.20, each application for a subsequent license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by February 28, 2024.

p. Register online at *https://ferconline.ferc.gov/FERCOnline.aspx* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Dated: April 12, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–07843 Filed 4–15–21; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–10021–42–Region 9]

Delegations of the Prevention of Significant Deterioration Air Permitting Program to the Nevada Division of Environmental Protection and the Washoe County Health District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of delegations of authority.

SUMMARY: This notice announces that the Environmental Protection Agency (EPA), Region 9, has revised its delegation agreements with the Nevada Division of Environmental Protection (NDEP) and the Washoe County Health District (WCHD) for implementation of the Federal Clean Air Act Prevention of Significant Deterioration (PSD) permitting program. The revised and updated delegation agreements authorize the NDEP and the WCHD to continue to conduct PSD review for proposed new and modified major stationary sources, to issue initial federal PSD permits, and to revise existing federal PSD permits, subject to the terms and conditions of the applicable delegation agreement.

DATES: The revised delegation agreement with the NDEP became effective on January 21, 2020, and the revised delegation agreement with the WCHD became effective on March 22, 2021. Pursuant to section 307(b)(1) of the Clean Air Act, 42 U.S.C. 7607(b)(1), judicial review of these final agency actions, to the extent it is available, may be sought by filing a petition for review in the United States Court of Appeals for the Ninth Circuit within 60 days of April 16, 2021.

ADDRESSES: The revised delegation agreements are available on Region 9's website at *https://www.epa.gov/caa-permitting/air-permit-delegation-and-psd-sip-approval-status-epas-pacific-southwest-region-9.* For additional information, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Laura Yannayon, EPA Region 9, 75 Hawthorne Street (AIR–3–1), San Francisco, California 94105. By phone at (415) 972–3534, or by email at *yannayon.laura@epa.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to 40 CFR 52.21(u), on April 23, 2014 and March 13, 2008, EPA Region 9 signed PSD delegation agreements with the NDEP and the WCHD, respectively. The delegation agreements authorized the NDEP and the WCHD to implement the PSD program under sections 160–169 of the Clean Air Act (CAA) and 40 CFR 52.21, including conducting PSD review and the issuance and revision of PSD permits.

On January 21, 2020 and March 22, 2021, EPA Region 9 signed the revised and updated delegation agreements with the NDEP and the WCHD, respectively. Both agreements set forth the terms and conditions according to which the agencies will implement the PSD regulations at 40 CFR 52.21. Under the PSD program, major stationary sources of air pollutants must apply for and receive a permit prior to construction of new facilities or certain modifications to existing facilities.

While the NDEP and the WCHD have been delegated the authority to implement and enforce the PSD program, nothing in the delegation agreements prohibits the EPA from enforcing the PSD provisions of the CAA, the PSD regulations, or the conditions of any PSD permit issued by the NDEP or the WCHD.

Dated: April 12, 2021.

Elizabeth J. Adams,

Director, Air and Radiation Division, EPA Region IX.

[FR Doc. 2021–07855 Filed 4–15–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2021–0040; FRL—10022–60–OAR]

Proposed Agency Information Collection Request; Comment Request; Servicing of Motor Vehicle Air Conditioners (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is planning to submit an information collection request (ICR), ''Servicing of Motor Vehicle Air Conditioners (Renewal)'' (EPA ICR No. 1617.10, OMB Control No. 2060–0247) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through December 31, 2021. 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.

DATES: Comments must be submitted on or before June 15, 2021.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OAR–2021–0040, online using *www.regulations.gov* (our preferred method), by email to *a-and-r-docket@epa.gov.* Out of an abundance of caution for members of the public and our staff, the EPA Docket Center and Reading Room are closed to the public, with limited exceptions, to reduce the risk of transmitting COVID–19. Our Docket Center staff will continue to provide remote customer service via email, phone, and webform. We encourage the public to submit comments via *https://www.regulations.gov* or email, as there may be a delay in processing mail and faxes. Hand deliveries and couriers may be received by scheduled appointment only. For further information on EPA Docket Center services and the current status, please visit us online at *https://www.epa.gov/dockets.*

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Chenise Farquharson, Stratospheric Protection Division, Office of Atmospheric Programs (Mail Code 6205T), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564–7768; email address: *farquharson.chenise@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The EPA is temporarily suspending its Docket Center and Reading Room for public visitors, with limited exceptions, to reduce the risk of transmitting COVID–19. Our Docket Center staff will continue to provide remote customer service via email, phone, and webform. We encourage the public to submit comments via *https://www.regulations.gov* or email, as there may be a delay in processing mail and faxes. Hand deliveries and couriers may be received by scheduled appointment only. The telephone number for the Docket Center is 202–566–1744. For further information on EPA Docket Center services and the current status, please visit us online at *https://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) 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; (ii) 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; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) 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. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: Section 609 of the Clean Air Act Amendments of 1990 (Act) provides general guidelines for the servicing of motor vehicle air conditioners (MVACs). It states that ''no person repairing or servicing motor vehicles for consideration may perform any service on a motor vehicle air conditioner involving the refrigerant for such air conditioner without properly using approved refrigerant recycling equipment and no such person may perform such service unless such person has been properly trained and certified.'' In 1992, EPA developed regulations under section 609 that were published in 57 FR 31240 and codified at 40 CFR Subpart B (Section 82.30 *et seq.*). The information required to be collected under the section 609 regulations is: Approved refrigerant handling equipment; approved independent standards testing organizations; technician training and certification; and certification, reporting and recordkeeping.

Form Numbers: None.

Respondents/affected entities: The following is a list of NAICS codes for organizations potentially affected by the information requirements covered under this ICR. It is meant to include any establishment that may service or maintain motor vehicle air conditioners.

4411 Automobile Dealers
4413 Automotive Parts, Accessories, and Tire Stores
44711 Gasoline Stations with Convenience Stores
8111 Automotive Repair and Maintenance
811198 All Other Automotive Repair and Maintenance

Other affected groups include independent standards testing organizations and organizations with technician certification programs.

Respondent's obligation to respond: Mandatory (40 CFR 82.36, 82.38, 82.40, 82.42).

Estimated number of respondents: 46,033 (per year).

Frequency of response: On occasion, biennially, only once.

Total estimated burden: 4,165 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $ 213,153 (per year), includes $0 annualized capital or operation & maintenance costs.

Changes in Estimates: There is an increase of 35 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This increase is due in part to an increase in the number of motor vehicle establishments in the United States. This correlates with an increase in the number of establishments that send refrigerants off-site for recycling or reclamation.

Cynthia A. Newberg,

Director, Stratospheric Protection Division.

[FR Doc. 2021–07848 Filed 4–15–21; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[MB Docket No. 11–43; DA 21–281; FRS ID 20962]

Audio Description: Nonbroadcast Networks

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: FCC announces the top five national nonbroadcast networks subject to the Commission's audio description requirements.

DATES: The updated list of the top five national nonbroadcast networks subject to the Commission's audio description requirements is effective July 1, 2021.

ADDRESSES: The full text of this public notice is available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat via ECFS and at *https://www.fcc.gov/document/media-bureau-grants-requests-audio-description-exemption.* Alternative formats are available for people with disabilities (Braille, large print, electronic files, audio format), by sending an email to *fcc504@fcc.gov* or calling the Commission's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice).

FOR FURTHER INFORMATION CONTACT: For further information, contact Michael Scurato (202–418–2083; *Michael.Scurato@fcc.gov*).

SUPPLEMENTARY INFORMATION: This is a summary of the Media Bureau's Public Notice, DA 21–281, released on March 8, 2021. Audio description makes video programming accessible to individuals who are blind or visually impaired through ''[t]he insertion of audio narrated descriptions of a television program's key visual elements into natural pauses between the program's dialogue.'' The Commission's audio description rules require multichannel video programming distributor (MVPD) systems that serve 50,000 or more subscribers to provide 87.5 hours of audio description per calendar quarter on channels carrying each of the top five national nonbroadcast networks. The top five national nonbroadcast networks are defined by an average of the national audience share during prime time among nonbroadcast networks that reach 50 percent or more of MVPD households and have at least 50 hours per quarter of prime time programming that is not live or near-live or otherwise exempt under the audio description rules.

The rules provide that the list of top five nonbroadcast networks will update at three-year intervals to account for changes in ratings, and that the third triennial update will occur on July 1, 2021, based on the 2019 to 2020 ratings year. In anticipation of this update, the Media Bureau issued a Public Notice on November 2, 2020 announcing the top ten nonbroadcast networks for the 2019 to 2020 ratings year according to data provided by the Nielsen Company: Fox News, MSNBC, CNN, ESPN, TLC, HGTV, Hallmark, History, TBS, and Discovery. The Public Notice indicated that a program network could seek an exemption no later than 30 days after publication of the Public Notice, if it believed it should be excluded from the list of top five networks covered by the audio description rules because it does not air at least 50 hours of prime time programming per quarter that is not live or near-live or is otherwise exempt. Fox News, MSNBC, CNN, and ESPN filed timely requests for exemption from the list of top five nonbroadcast networks.

In an Order adopted concurrently with this Public Notice, the Bureau found that Fox News, MSNBC, CNN, and ESPN provide on average less than 50 hours per calendar quarter of prime time programming that is not live or near-live. The Bureau, therefore, exempted these four networks from the Commission's audio description requirements applicable to the top five national nonbroadcast networks. In making its determination, the Bureau reviewed data pertaining to the six most recent calendar quarters submitted by each network and sample programming schedules. The Bureau also considered additional information each individual network submitted to support or explain aspects of each request, when available.

Thus, as a result of the exemptions granted to Fox News, MSNBC, CNN, and ESPN and a review of Nielsen ratings for the 2019 to 2020 ratings year, the top five nonbroadcast networks that will be subject to the audio description requirements as of July 1, 2021 are: TLC, HGTV, Hallmark, History, and TBS. MVPD systems that serve 50,000 or more subscribers must provide 87.5 hours of audio description per calendar quarter on channels carrying each of these networks during the triennial period beginning on July 1, 2021.

Federal Communications Commission.

Thomas Horan,

Chief of Staff, Media Bureau.

[FR Doc. 2021–07882 Filed 4–15–21; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[FR No. 20892]

Privacy Act of 1974; System of Records

AGENCY: Federal Communications Commission.

ACTION: Notice of a modified system of records.

SUMMARY: The Federal Communications Commission (FCC, Commission, or Agency) has modified an existing system of records, FCC/OCBO–1, Business Contacts Database (formerly FCC/OCBO–1, Small Business Contacts Database), subject to the Privacy Act of 1974, as amended. This action is necessary to meet the requirements of the Privacy Act to publish in the **Federal Register** notice of the existence and character of records maintained by the Agency. The Commission uses the information on individuals and businesses contained in the records in this system to conduct outreach.

DATES: This system of records will become effective on April 16, 2021. Written comments on the routine uses are due by May 17, 2021. The routine uses will become effective on May 17, 2021, unless written comments are received that require a contrary determination.

ADDRESSES: Send comments to Margaret Drake, at *privacy@fcc.gov,* or at Federal Communications Commission (FCC), 45 L Street NE, Washington, DC 20554 at (202) 418–1707.

FOR FURTHER INFORMATION CONTACT: Margaret Drake, (202) 418–1707, or *privacy@fcc.gov* (and to obtain a copy of the Narrative Statement and the Supplementary Document, which

includes details of the modifications to this system of records).

SUPPLEMENTARY INFORMATION: The Commission uses the information in FCC/OCBO–1 to conduct outreach to individuals and businesses, including but not limited to small, minority, and women-owned communications' business owners and employees.

This notice serves to modify FCC/OCBO–1 to reflect various necessary changes and updates, including clarification of the purpose of the system, format changes required by OMB Circular A–108 since its previous publication, the revision of four Routine Uses, and the addition of four routine uses. The substantive changes and modification to the previously published version of FCC/OCBO–1 system of records include:

1. Changing the name of the system of records to FCC/OCBO–1 Business Contacts Database.

2. Updating the Security Classification to follow OMB and FCC guidance.

3. Clarifying the Purpose for the system.

4. Updating the System Location to show the FCC's new headquarters address.

5. Revising language in four Routine Uses: (1) Adjudication and Litigation, (2) Law Enforcement and Investigation, (3) Congressional Inquiries, and (4) Government-wide Program Management and Oversight.

6. Adding four new Routine Uses: (1) Third Parties, to allow the FCC to share information before, during, or after outreach events; (6) Breach Notification, to allow the FCC address information breaches at the Commission; (7) Assistance to Federal Agencies and Entities, to allow the FCC to provide assistance to other Federal agencies in their data breach situations; and (8) For Non-Federal Personnel, to allow contractors performing or working on a contract for the Federal Government access to information in this system. New Routine Uses (6) and (7) are required by OMB Memorandum M–17–12.

7. Replacing the Disclosures to Consumer Reporting section with a new Reporting to a Consumer Reporting Agency section to address valid and overdue debts owed by individuals to the FCC under the Debt Collection Act, as recommended by OMB.

8. Adding a History section referencing the previous publication of this SORN in the **Federal Register**, as required by OMB Circular A–108.

The system of records is also updated to reflect various administrative changes related to the policy and practices for storage of the information; administrative, technical, and physical safeguards; and updated notification, records access, and procedures to contest records.

SYSTEM NAME AND NUMBER:

FCC/OCBO–1, Business Contacts Database

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

The Office of Communications Business Opportunities (OCBO), Federal Communications Commission (FCC), 45 L Street NE, Washington, DC 20554.

SYSTEM MANAGER(S):

Celeste McCray, Program Specialist and Andrea Brown, Program Specialist, OCBO, Federal Communications Commission (FCC).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

47 U.S.C. 151, 152, 155, 257, 303; and 5 U.S.C. 602(c) and 609(a)(3).

PURPOSES:

The FCC uses this system to conduct outreach to individuals and businesses, including but not limited to small, women, and minority-owned businesses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals and businesses, including but not limited to, small, minority, and women-owned communications' business owners and employees, as well as other individuals who work or communicate with this segment of the population.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contact information, such as name, phone numbers, emails, and addresses, as well as work and educational history.

RECORD SOURCE CATEGORIES:

Information in this system is provided by individuals or businesses who wish to be contacted by the FCC regarding issues in the communications industry, the mission of the FCC, FCC programs, or networking opportunities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed to authorized entities, as is determined to be relevant and necessary, outside the FCC as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows.

1. Third Parties—To third parties, including individuals and businesses in the communications industry, to facilitate networking opportunities before, during, or after FCC outreach events.

2. Adjudication and Litigation—To disclose to the Department of Justice (DOJ), or to other administrative or adjudicative bodies before which the FCC is authorized to appear, when: (a) The FCC or any component thereof; or (b) any employee of the FCC in his or her official capacity; or (c) any employee of the FCC in his or her individual capacity where the DOJ or the FCC have agreed to represent the employee; or (d) the United States is a party to litigation or has an interest in such litigation, and the use of such records by the DOJ or the FCC is deemed by the FCC to be relevant and necessary to the litigation.

3. Law Enforcement and Investigation—To disclose pertinent information to the appropriate Federal, State, local, or tribal agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, when the FCC becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

4. Congressional Inquiries—To provide information to a Congressional office from the record of an individual in response to an inquiry from that Congressional office made at the written request of that individual.

5. Government-wide Program Management and Oversight—To provide information to the Department of Justice (DOJ) to obtain that department's advice regarding disclosure obligations under the Freedom of Information Act; or to the Office of Management and Budget (OMB) to obtain that office's advice regarding obligations under the Privacy Act.

6. Breach Notification—To appropriate agencies, entities, and persons when: (a) The Commission suspects or has confirmed that there has been a breach of PII maintained in the system of records; (b) the Commission has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Commission (including its information system, programs, and operations), the Federal Government, or national security; and; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Commission's efforts to respond to the suspected or

confirmed breach or to prevent, minimize, or remedy such harm.

7. Assistance to Federal Agencies and Entities—To another Federal agency or Federal entity, when the Commission determines that information from this system is reasonably necessary to assist the recipient agency or entity in: (a) Responding to a suspected or confirmed breach or (b) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, program, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

8. Non-Federal Personnel—To disclose information to non-federal personnel, including contractors, who have been engaged to assist the FCC in the performance of a contract service, grant, cooperative agreement, or other activity related to this system of records and who need to have access to the records in order to perform their activity.

In each of these cases, the FCC will determine whether disclosure of the records is compatible with the purpose for which the records were collected.

REPORTING TO A CONSUMER REPORTING AGENCIES:

In addition to the routine uses cited above, the Commission may share information from this system of records with a consumer reporting agency regarding an individual who has not paid a valid and overdue debt owed to the Commission, following the procedures set out in the Debt Collection Act, 31 U.S.C. 3711(e).

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

This an electronic system of records that resides on the FCC's network.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records in this system of records can be retrieved by any category field, e.g., first name or zip code.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL:

The information in this system is maintained and disposed of in accordance with the National Archives and Records Administration (NARA) General Records Schedule 6.5, Item 020 (DAA–GRS–2017–0002–0002).

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

The electronic records, files, and data are stored within FCC accreditation boundaries and maintained in a database housed in the FCC's computer network databases. Access to the electronic files is restricted to authorized Commission employees and contractors; and to IT staff, contractors, and vendors who maintain the IT networks and services. Other FCC employees and contractors may be granted access on a need-to-know basis. The FCC's electronic files and records are protected by the FCC and third-party privacy safeguards, a comprehensive and dynamic set of IT safety and security protocols and features that are designed to meet all Federal privacy standards, including those required by the Federal Information Security Modernization Act of 2014 (FISMA), the Office of Management and Budget (OMB), and the National Institute of Standards and Technology (NIST).

RECORD ACCESS PROCEDURES:

Individuals wishing to request access to and/or amendment of records about themselves should follow the Notification Procedure below.

CONTESTING RECORD PROCEDURES:

Individuals wishing to request access to and/or amendment of records about themselves should follow the Notification Procedure below.

NOTIFICATION PROCEDURE:

Individuals wishing to determine whether this system of records contains information about themselves may do so by writing *Privacy@fcc.gov*. Individuals requesting access must also comply with the FCC's Privacy Act regulations regarding verification of identity to gain access to records as required under 47 CFR part 0, subpart E.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

HISTORY:

The FCC previously gave full notice of FCC/OCBO–1, Small Business Contacts Database, by publication in the **Federal Register** on April 5, 2006 (71 FR 17240).

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2021–07820 Filed 4–15–21; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice, request for comment.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) invites comment on a proposal to extend for three years, with revision, the Bank Holding Company Applications and Notifications (FR Y–3, FR Y–3N, and FR Y–4; OMB No. 7100–0121).

DATES: Comments must be submitted on or before June 15, 2021.

ADDRESSES: You may submit comments, identified by *FR Y–3/3N/4,* by any of the following methods:

- *Agency Website: https://www.federalreserve.gov/.* Follow the instructions for submitting comments at *https://www.federalreserve.gov/apps/foia/proposedregs.aspx.*
- *Email: regs.comments@federalreserve.gov.* Include the OMB number in the subject line of the message.
- *Fax:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Ann E. Misback, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551.

All public comments are available from the Board's website at *https://www.federalreserve.gov/apps/foia/proposedregs.aspx* as submitted, unless modified for technical reasons or to remove personally identifiable information at the commenter's request. Accordingly, comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper in Room 146, 1709 New York Avenue NW, Washington, DC 20006, between 9:00 a.m. and 5:00 p.m. on weekdays. For security reasons, the Board requires that visitors make an appointment to inspect comments. You may do so by calling (202) 452–3684. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

Additionally, commenters may send a copy of their comments to the Office of Management and Budget (OMB) Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452–3829.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the PRA to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. In exercising this delegated authority, the Board is directed to take every reasonable step to solicit comment. In determining whether to approve a collection of information, the Board will consider all comments received from the public and other agencies.

A copy of the Paperwork Reduction Act (PRA) OMB submission, including the reporting form and instructions, supporting statement, and other documentation will be available at *https://www.reginfo.gov/public/do/PRAMain,* if approved. These documents will also be made available on the Board's public website at *https://www.federalreserve.gov/apps/reportforms/review.aspx* or may be requested from the agency clearance officer, whose name appears above.

Request for Comment on Information Collection Proposal

The Board invites public comment on the following information collection, which is being reviewed under authority delegated by the OMB under the PRA. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Board's functions, including whether the information has practical utility;

b. The accuracy of the Board's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

e. Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the Board should modify the proposal.

Proposal under OMB Delegated Authority to Extend for Three Years, With Revision, the Following Information Collection:

Report title: Application for Prior Approval to Become a Bank Holding Company, or for a Bank Holding Company to Acquire an Additional Bank or Bank Holding Company; Notice for Prior Approval to Become a Bank Holding Company, or for a Bank Holding Company to Acquire an Additional Bank or Bank Holding Company; and Notification for Prior Approval to Engage Directly or Indirectly in Certain Nonbanking Activities.

Agency form number: FR Y–3, FR Y–3N, and FR Y–4.

OMB control number: 7100–0121.

Frequency: Event-generated.

Respondents: Bank holding companies (BHCs) and companies seeking to become BHCs involving certain formations, acquisitions, mergers, and nonbanking activities.

Estimated number of respondents: FR Y–3, New BHCs: 72; FR Y–3, Existing BHCs: 58; FR Y–3N: 21; FR Y–4, completed notification: 22; FR Y–4, expedited notification: 8; and FR Y–4, post-consummation: 1.

Estimated average hours per response: Reporting: FR Y–3, New BHCs: 48.5; FR Y–3, Existing BHCs: 59; FR Y–3N: 4; FR Y–4, completed notification: 11; FR Y–4, expedited notification: 5; and FR Y–4, post-consummation: 0.5; Disclosure: FR Y–3: 1; FR Y–3N: 1; FR Y–4: 1.

Estimated annual burden hours: FR Y–3, New BHCs: 3,492; FR Y–3, Existing BHCs: 3,422; FR Y–3N: 84; FR Y–4, completed notification: 242; FR Y–4, expedited notification: 40; and FR Y–4, post-consummation: 1: Disclosure: FR Y–3: 130; FR Y–3N: 21; FR Y–4: 22.

General description of report: These filings collect information on proposals by BHCs and companies seeking to become BHCs involving certain formations, acquisitions, mergers, and nonbanking activities. The Board requires the submission of these filings for regulatory and supervisory purposes and to fulfill its statutory obligations under the Bank Holding Company Act of 1956 (the BHC Act). The Board uses the information submitted in these filings to evaluate each individual transaction with respect to the relevant statutory factors and to ensure that the transaction complies with other applicable requirements.

Proposed revisions: The Board proposes to implement a number of revisions to the FR Y–3. The proposed changes would reflect new capital regulations, and would include minor changes to improve clarity and accuracy. Recent legislative and regulatory changes implemented a community bank leverage ratio (''CBLR'') framework in 2020, which, if utilized by a qualifying depository institution, eliminates the requirement for the institution to track risk-weighted assets and report risk-based capital ratios.[1] In light of this change, applicants that have elected to utilize the CBLR framework would no longer be required to submit information related to risk-weighted assets or risk-based capital ratios in a FR Y–3 application. Similarly, if the bank subsidiary of an applicant has elected to use the CBLR framework, the applicant would no longer be required to submit in the FR Y–3 information related to the bank's risk-weighted assets or risk-based capital ratios. The proposed revisions would simplify the reporting requirements with regard to those banks and BHCs that have elected to utilize the CBLR framework.

The Board also proposes to implement a number of revisions to the FR Y–4. The proposed changes would improve the clarity and accuracy of the form and instructions. In order to make the form more understandable and to improve the quality of the information submitted, the Board proposes to require a notificant to provide the authority in Regulation Y under which the proposed nonbanking activity is permissible, which would facilitate the Federal Reserve's processing of the notice. The Board further proposes to combine the form and instructions into a single document, with the instructions preceding the FR Y–4 form, in order to provide the notificant with important context.

The Board is not proposing any revisions to the FR Y–3N.

Legal authorization and confidentiality: Section 3(a) of the BHC Act requires Board approval for formations, acquisitions, and mergers of bank holding companies.[2] Section 5(b) of the BHC Act authorizes the Board to issue regulations and orders to carry out these functions.[3] These sections of the BHC Act provide the legal authorization for the FR Y–3 and the FR Y–3N. Section 4(j) of the BHC Act requires bank holding companies to give prior written notice to the Board of any acquisition of a nonbank company or commencement of any nonbanking activities.[4] This section of the BHC Act provides the legal authorization for the FR Y–4.

The obligation to respond to the FR Y–3, Y–3N, and Y–4 is required to obtain a benefit.

To the extent a respondent submits nonpublic commercial or financial

[1] See 12 CFR 217.12.

[2] 12 U.S.C. 1842(a).

[3] 12 U.S.C. 1844(b). In addition, section 5(c) of the BHC Act authorizes the Board to require reports from bank holding companies. 12 U.S.C. 1844(c).

[4] 12 U.S.C. 1843(j).

information in connection with the FR Y–3, Y–3N, or Y–4, which is both customarily and actually treated as private by the respondent, the respondent may request confidential treatment pursuant to exemption 4 of the Freedom of Information Act (FOIA).[5] To the extent a respondent submits personal, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of privacy, the respondent may request confidential treatment pursuant to exemption 6 of the FOIA.[6] If a respondent requests confidential treatment, the Board will determine whether the information is entitled to confidential treatment on a case-by-case basis. The entity should separately designate any such information as ''confidential commercial information'' or ''confidential financial information'' and the Board will treat such designated information as confidential to the extent permitted by law, including the FOIA. To the extent a respondent submits information related to examination, operating, or condition reports prepared by, on behalf of, or for the use of a financial supervisory agency, the information would be confidential pursuant to exemption 8 of the FOIA.[7]

Board of Governors of the Federal Reserve System, April 12, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021–07764 Filed 4–15–21; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is adopting a proposal to extend for three years, without revision, the Margin Credit Reports (FR G–1, FR G–2, FR G–4, FR G–3, FR T–4 and FR U–1; OMB No. 7100–0011).

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452–3829. Office of Management and Budget (OMB) Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395–6974.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the PRA to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. The OMB inventory, as well as copies of the PRA Submission, supporting statements, and approved collection of information instrument(s) are available at *https://www.reginfo.gov/public/do/PRAMain.* These documents are also available on the Federal Reserve Board's public website at *https://www.federalreserve.gov/apps/reportforms/review.aspx* or may be requested from the agency clearance officer, whose name appears above.

Final Approval Under OMB Delegated Authority of the Extension for Three Years, Without Revision, of the Following Information Collections

Report title: Registration Statement for Persons Who Extend Credit Secured by Margin Stock (Other Than Banks, Brokers, or Dealers).

Agency form number: FR G–1.

OMB control number: 7100–0011.

Frequency: Event-generated.

Respondents: Federal and state credit unions; insurance companies; commercial and consumer credit organizations; production credit associations; small businesses; insurance premium funding plans; plan-lenders (a company or its affiliate that extends credit to employees to purchase company stock under an eligible employee stock option or stock purchase plan); lenders to Employee Stock Ownership Plans (ESOPs), thrift plans, and broker-dealer affiliates; and other lenders.

Estimated number of respondents: 13.

Estimated average hours per response: 2.5.

Estimated annual burden hours: 33.

General description of report: The FR G–1 registration statement is required to enable the Federal Reserve to identify nonbank lenders subject to Regulation U, to verify compliance with the regulation, and to monitor margin credit. In addition, registered nonbank lenders can be subject to periodic review by the Board, National Credit Union Administration, and Farm Credit Administration. Information collected on the registration statement consists of certain background questions, information regarding the credit being extended, and dollar amounts of margin credit.

Report title: Deregistration Statement for Persons Registered Pursuant to Regulation U.

Agency form number: FR G–2.

OMB control number: 7100–0011.

Frequency: Event-generated.

Respondents: Federal and state credit unions; insurance companies; commercial and consumer credit organizations; production credit associations; small businesses; insurance premium funding plans; plan-lenders (a company or its affiliate that extends credit to employees to purchase company stock under an eligible employee stock option or stock purchase plan); lenders to Employee Stock Ownership Plans (ESOPs), thrift plans, and broker-dealer affiliates; and other lenders.

Estimated number of respondents: 8.

Estimated average hours per response: 0.25.

Estimated annual burden hours: 2.

General description of report: The FR G–2 deregistration statement is used by nonbank lenders to deregister if their margin credit activities no longer exceed the regulatory threshold found in Regulation U. Under section 221.3(b)(2) of Regulation U, a registered nonbank lender may apply to terminate its registration if the lender has not, during the preceding six calendar months, had more than $200,000 of such credit outstanding. The deregistration statement requires six items, including the name and phone number of the registrant, the firm's Internal Revenue Service Identification Number (registrants that are individuals are not required to disclose their Social Security number), the authorizing officer's signature and title, and the date. A nonbank lender who has deregistered must reregister if subsequent lending volume exceeds the thresholds identified in Regulation U.

Report title: Statement of Purpose for an Extension of Credit Secured by Margin Stock by a Person Subject to Registration Under Regulation U.

Agency form number: FR G–3.

OMB control number: 7100–0011.

Frequency: Event-generated.

Respondents: Other lenders (not brokers, dealers, or banks).

Estimated number of respondents: 6.

Estimated average hours per response: 0.17.

Estimated annual burden hours: 20.

General description of report: Any nonbank lender subject to the registration requirements of Regulation

[5] 5 U.S.C. 552(b)(4).

[6] 5 U.S.C. 552(b)(6).

[7] 5 U.S.C. 552(b)(8).

U must complete an FR G–3 purpose statement for each extension of credit secured directly or indirectly, in whole or in part, by any margin stock. The purpose statement is intended to ensure that a lender does not extend credit to purchase or carry margin stock in excess of the amount permitted by the Federal Reserve pursuant to Regulation U.

Report title: Annual Report.
Agency form number: FR G–4.
OMB control number: 7100–0011.
Frequency: Annually.
Respondents: Federal and state credit unions; insurance companies; commercial and consumer credit organizations; production credit associations; small businesses; insurance premium funding plans; plan-lenders (a company or its affiliate that extends credit to employees to purchase company stock under an eligible employee stock option or stock purchase plan); lenders to Employee Stock Ownership Plans (ESOPs), thrift plans, and broker-dealer affiliates; and other lenders.
Estimated number of respondents: 70.
Estimated average hours per response: 2.
Estimated annual burden hours: 140.
General description of report: The FR G–4 annual report requires nonbank lenders to provide the total amount of credit outstanding secured directly or indirectly by margin stock as of June 30, and the amount of credit extended secured directly or indirectly by margin stock during the year. Lenders are required to indicate whether the loans involved are purpose or nonpurpose and to disclose whether credit is used to fund employee stock options, purchases, or ownership plans. Those lenders funding stock options, purchases, and ownership plans must specify whether such credit was extended pursuant to the provisions set forth in section 221.4 of Regulation U, which authorizes employers to extend credit to employees and ESOPs without regard to the margin requirements. All nonbank lenders registered pursuant to Regulation U must file an annual report with the Federal Reserve. Any new registrants are required to file the annual report for the year following their registration date.

Report title: Statement of Purpose for an Extension of Credit by a Creditor.
Agency form number: *FR T–4.*
OMB control number: 7100–0011.
Frequency: Event-generated.
Respondents: Brokers and dealers.
Estimated number of respondents: 4.
Estimated average hours per response: ≤0.17.
Estimated annual burden hours: 14.
General description of report: The FR T–4 must be completed only if the purpose of the credit being extended is not to purchase, carry, or trade in securities and the credit is in excess of that otherwise permitted under Regulation T (nonpurpose credit). The information captured on FR T–4 provides a written record of the amount of nonpurpose credit being extended, the purpose for which the money is to be used, and a listing and valuation of collateral.

Report title: Statement of Purpose for an Extension of Credit Secured by Margin Stock.
Agency form number: FR U–1.
OMB control number: 7100–0011.
Frequency: Event-generated.
Respondents: Banks.
Estimated number of respondents: 4.
Estimated average hours per response: 0.17.
Estimated annual burden hours: 51.
General description of report: A bank must complete the FR U–1 purpose statement when it extends credit in excess of $100,000 secured directly or indirectly, in whole or in part, by any margin stock. The information captured on FR U–1 provides a written record of the amount of credit being extended, the purpose for which the money is to be used, and a listing and valuation of collateral.

Legal authorization and confidentiality: The FR G–1, G–2, G–3, G–4, T–4, and U–1 are authorized by Sections 7 and 23 of the Securities Exchange Act of 1934 which state, respectively, that the Board shall ''prescribe rules and regulations with respect to the amount of credit that may be initially extended and subsequently maintained on any security'' and that ''[t]he Commission, the Board of Governors of the Federal Reserve System, and the other agencies enumerated in section 78c(a)(34) of this title shall each have power to make such rules and regulations as may be necessary or appropriate to implement the provisions of this chapter for which they are responsible or for the execution of the functions vested in them by this chapter, and may for such purposes classify persons, securities, transactions, statements, applications, reports, and other matters within their respective jurisdictions, and prescribe greater, lesser, or different requirements for different classes thereof.''

All six reports are mandatory. Individual respondents may request that information submitted to the Board through the FR G–1 and FR G–4 be kept confidential. If a respondent requests confidential treatment, the Board will determine whether the information is entitled to confidential treatment on a case-by-case basis. To the extent a respondent submits nonpublic commercial or financial information, which is both customarily and actually treated as private by the respondent, the respondent may request confidential treatment pursuant to exemption 4 of the Freedom of Information Act (FOIA). To the extent a respondent submits personal, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of privacy, the respondent may request confidential treatment pursuant to exemption 6 of the FOIA.

Because the FR T–4, FR U–1, and FR G–3 are maintained at each banking organization, FOIA would only be implicated if the Board obtained such records as part of the examination or supervision of a banking organization. In the event the records are obtained by the Board as part of an examination or supervision of a financial institution, this information would be considered confidential pursuant to exemption 8 of the FOIA, which protects information contained in ''examination, operating, or condition reports'' obtained in the bank supervisory process. Information collected through the FR G–2 is not considered to be confidential.

Current actions: On December 23, 2020, the Board published a notice in the **Federal Register** (85 FR 83950) requesting public comment for 60 days on the extension, without revision, of the Margin Credit Reports. The comment period for this notice expired on February 22, 2021. The Board did not receive any comments.

Board of Governors of the Federal Reserve System, April 12, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021–07801 Filed 4–15–21; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is adopting a proposal to extend for three years, with revision, the Interagency Notice of Change in Control, the Interagency Notice of Change in Director or Senior Executive Officer, and the Interagency Biographical and Financial Report (FR 2081a,b,c; OMB No. 7100–

0134). The revisions are effective immediately.

FOR FURTHER INFORMATION CONTACT:

Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452–3829.

Office of Management and Budget (OMB) Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395–6974.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the PRA to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. The OMB inventory, as well as copies of the PRA Submission, supporting statements, and approved collection of information instrument(s) are available at *https://www.reginfo.gov/public/do/PRAMain.* These documents are also available on the Federal Reserve Board's public website at *https://www.federalreserve.gov/apps/reportforms/review.aspx* or may be requested from the agency clearance officer, whose name appears above.

Final Approval Under OMB Delegated Authority of the Extension for Three Years, With Revision, of the Following Information Collections

Report title: Interagency Notice of Change in Control.

Agency form number: FR 2081a.

OMB control number: 7100–0134.

Frequency: Event generated.

Respondents: All financial institutions regulated by the Board.

Estimated number of respondents: 162.

Estimated average hours per response: Reporting, 29.5; Disclosure, 1.

Estimated annual burden hours: Reporting, 4,779; Disclosure, 162.

General description of report: The FR 2081a is submitted in connection with the acquisition of shares of an insured depository institution, savings and loan holding company (SLHC), or bank holding company (BHC) (or group of BHCs or SLHCs) by an individual or a group of individuals or a company or group of companies that would not be BHCs or SLHCs after consummation of the proposed transaction. When the Board is the federal banking regulatory agency for the target organization, the notice must be submitted to the appropriate Reserve Bank. The notice must include a description of the proposed transaction, the purchase price and funding source, the personal and financial information of the proposed acquirer(s), and any proposed new management.

A FR 2081a filer must publish an announcement soliciting public comment on the proposed acquisition in a newspaper of general circulation in the community in which the head office of the depository institution or holding company is located. In the case of a BHC or SLHC, an announcement also must be published in each community in which the head office of a bank or savings association subsidiary of the holding company is located. A copy of the affidavit(s) of publication should be submitted to the appropriate Reserve Bank. The publication must (1) state the name and address of each person identified as an acquirer in the notice; (2) state the name of the bank or holding company to be acquired and each of its subsidiary banks; and (3) include a statement that interested persons may submit comments on the proposed transaction to the Board or the appropriate Reserve Bank. The newspaper notice must be published no more than 15 calendar days before and no later than 10 calendar days after the date that the application is filed with the appropriate Reserve Bank.

Report title: Interagency Notice of Change in Director or Senior Executive Officer.

Agency form number: FR 2081b.

OMB control number: 7100–0134.

Frequency: Event generated.

Respondents: All financial institutions regulated by the Board.

Estimated number of respondents: 119.

Estimated average hours per response: 2.

Estimated annual burden hours: 238.

General description of report: The FR 2081b is used, under certain circumstances, to notify the appropriate Reserve Bank of a proposed change to an institution's board of directors or senior executive officers. The notice must be filed if the institution is not in compliance with all minimum capital requirements, is in troubled condition, or is otherwise required by the Board to provide such notice. The reporting form may be filed by the relevant state member bank (SMB), SLHC, or BHC, or by the affected individual. The notice must include (1) details of the proposed transaction; (2) steps taken by the insured depository institution or holding company to investigate and satisfy itself as to the competence, experience, character, and integrity of the subject individual; (3) if the notice represents a proposal to serve as a senior executive officer of an insured depository institution or holding company, a description of the duties and responsibilities of the subject position and proposed terms of employment; and (4) if it is an after-the-fact notice, an identification of the exception to the prior notice requirement upon which the notificant relies or a discussion of the reasons that prior notice was not given and what steps have been taken to avoid future violations.

Report title: Interagency Biographical and Financial Report.

Agency form number: FR 2081c.

OMB control number: 7100–0134.

Effective Date: The revisions are effective immediately.

Frequency: Event generated.

Respondents: All financial institutions regulated by the Board.

Estimated number of respondents: 959.

Estimated average hours per response: 4.5.

Estimated annual burden hours: 4,316.

General description of report: The FR 2081c is used by certain shareholders, directors, and executive officers in connection with the FR 2081a and FR 2081b. Information requested on this reporting form is subject to verification and must be complete. As with all the notices and reporting forms, requests for clarification or supplementation of the original filing may be necessary.

Legal authorization and confidentiality: The FR 2081a and FR 2081c information collections are authorized by section 7(j) of the Federal Deposit Insurance Act, which states that ''[n]o person . . . shall acquire control of any insured depository institution . . . unless the appropriate Federal banking agency has been given sixty days' prior written notice of such proposed acquisition'' and requires the Federal Reserve to investigate the competence, experience, integrity, and financial ability of any such person.[1] The FR 2081a, FR 2081b, and FR 2081c information collections are authorized by section 914 of the Financial Institutions Reform, Recovery, and Enforcement Act (FIRREA), which provides that an insured depository

[1] 12 U.S.C. 1817(j). The Board also has the authority to require reports from bank holding companies (12 U.S.C. 1844(c)), savings and loan holding companies (12 U.S.C. 1467a(b) and (g)), and state member banks (12 U.S.C. 248(a) and 324).

institution or depository institution holding company shall notify the appropriate Federal banking agency of the proposed addition of any individual to the board of directors or the employment of any individual as a senior executive officer at least 30 days before such addition or employment becomes effective.[2]

In addition to being used in conjunction with the FR 2081a and FR 2081b, the FR 2081c is used in conjunction with the FR 2070 and the Application to Become a Bank Holding Company and/or Acquire an Additional Bank or Bank Holding Company (FR Y–3; OMB No. 7100–0121). When used in conjunction with the FR 2070, the FR 2081c is authorized by section 18(c) of the Federal Deposit Insurance Act, which requires that a SMB, when it is the acquiring, assuming, or resulting bank, obtain prior approval from the Board before merging or consolidating with another insured depository institution, or assuming liability to pay any deposits made in any other depository institution, and requires the Board to consider the managerial resources and future prospects of the existing and proposed institutions.[3] When used in conjunction with the FR Y–3, the FR 2081c is authorized by section 3(a) of the Bank Holding Company Act of 1956, which requires Board approval for formations, acquisitions, and mergers of bank holding companies, and requires the Board to consider the competence, experience, and integrity of the officers, directors, and principal shareholders of the company.[4]

The obligation to file these event-generated reports is mandatory. Individual respondents may request that information submitted to the Board through the FR 2081a, FR 2081b, or FR 2081c be kept confidential. If a respondent requests confidential treatment, the Board will determine whether the information is entitled to confidential treatment on a case-by-case basis. To the extent a respondent submits nonpublic commercial or financial information, which is both customarily and actually treated as private by the respondent, the respondent may request confidential treatment pursuant to exemption 4 of the Freedom of Information Act (FOIA).[5] To the extent a respondent submits personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of privacy, the respondent may request confidential treatment pursuant to exemption 6 of the FOIA.[6] The entity should separately designate any such information as ''confidential commercial information'' or ''confidential financial information,'' and the Board will treat such designated information as confidential to the extent permitted by law, including the FOIA. In addition, to the extent a respondent submits information related to examination, operating, or condition reports prepared by, on behalf of, or for the use of a financial supervisory agency, the information may be kept confidential pursuant to exemption 8 of the FOIA.[7]

Current actions: On December 23, 2020, the Board published a notice in the **Federal Register** (85 FR 83952) requesting public comment for 60 days on the extension, with revision, of the Interagency Notice of Change in Control, the Interagency Notice of Change in Director or Senior Executive Officer, and the Interagency Biographical and Financial Report. The Board revised the FR 2081c by correcting an inadvertent and unintentional numbering error from the previous clearance. As a result of this error, currently, a respondent is required to provide their telephone number and email address only if they are not a U.S. citizen or are a dual citizen. With the corrected numbering and delineation, the form will clearly require all respondents to provide their telephone number and email address. No changes were made to the FR 2081a or FR 2081b.

The comment period for this notice expired on February 22, 2021. The Board did not receive any comments. The revisions will be implemented as proposed.

Board of Governors of the Federal Reserve System, April 12, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021–07791 Filed 4–15–21; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is adopting a proposal to extend for three years, without revision, the Interagency Bank Merger Act Application (FR 2070; OMB No. 7100–0171).

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452–3829. Office of Management and Budget (OMB) Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395–6974.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the PRA to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. The OMB inventory, as well as copies of the PRA Submission, supporting statements, and approved collection of information instrument(s) are available at *https://www.reginfo.gov/public/do/PRAMain.* These documents are also available on the Federal Reserve Board's public website at *https://www.federalreserve.gov/apps/reportforms/review.aspx* or may be requested from the agency clearance officer, whose name appears above.

Final Approval Under OMB Delegated Authority of the Extension for Three Years, Without Revision, of the Following Information Collections

Report title: Interagency Bank Merger Act Application.

Agency form number: FR 2070.

OMB control number: 7100–0171.

Frequency: Event generated.

Respondents: All state member banks regulated by the Federal Reserve.

Estimated number of respondents: Nonaffiliate transactions, 54; Affiliate transactions, 10.

Estimated average hours per response: Nonaffiliate transactions, 31; Affiliate transactions, 19.

Estimated annual burden hours: Nonaffiliate transactions, 1,674; Affiliate transactions, 190.

General description of report: The FR 2070 is an event-generated application and is completed by a state member bank (SMB) each time the bank requests approval to effect a merger, consolidation, assumption of deposit liabilities, other combining transaction with a nonaffiliated party, or a corporate

[2] 12 U.S.C. 1831i.

[3] 12 U.S.C. 1828(c).

[4] 12 U.S.C. 1842.

[5] 5 U.S.C. 552(b)(4).

[6] 5 U.S.C. 552(b)(6).

[7] 5 U.S.C. 552(b)(8).

reorganization with an affiliated party. The reporting form collects information on the basic legal and structural aspects of these transactions.

The applicant is required to publish a notice in a newspaper of general circulation in the community(ies) in which the head office of each of the banks to be a party to the merger, consolidation, or acquisition of assets or assumption of liabilities is located. The notice must be published on at least three occasions at appropriate intervals. The last publication of the notice shall appear at least 30 days after the first publication. The notice must state the name and address of each party to the proposal, and it must invite the public to submit written comments to the appropriate Federal Reserve Bank. Within seven days of publication of notice for the first time, the applicant shall submit its application to the appropriate Federal Reserve Bank for acceptance, along with a copy of the notice.

Legal authorization and confidentiality: The FR 2070 is authorized by section 18(c) of the Federal Deposit Insurance Act, which requires, in relevant part, that an SMB, when it is the acquiring, assuming, or resulting bank, obtain prior approval from the Board before merging or consolidating with another insured depository institution, or assuming liability to pay any deposits made in any other depository institution.[1]

The obligation to respond is required to obtain a benefit. Individual respondents may request that information submitted to the Board through the FR 2070 be kept confidential. If a respondent requests confidential treatment, the Board will determine whether the information is entitled to confidential treatment on a case-by-case basis. To the extent a respondent submits nonpublic commercial or financial information in connection with the FR 2070, which is both customarily and actually treated as private by the respondent, the respondent may request confidential treatment pursuant to exemption 4 of the Freedom of Information Act (FOIA).[2] To the extent a respondent submits personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of privacy, the respondent may request confidential treatment pursuant to exemption 6 of the FOIA.[3] The entity should separately designate any such information as ''confidential commercial information'' or ''confidential financial information'' as appropriate, and the Board will treat such designated information as confidential to the extent permitted by law, including the FOIA. In addition, to the extent a respondent submits information related to examination, operating, or condition reports prepared by, on behalf of, or for the use of a financial supervisory agency, the information may be kept confidential pursuant to exemption 8 of the FOIA.[4]

Current actions: On December 23, 2020, the Board published a notice in the **Federal Register** (85 FR 83955) requesting public comment for 60 days on the extension, without revision, of the Interagency Bank Merger Act Application. The comment period for this notice expired on February 22, 2021. The Board did not receive any comments.

Board of Governors of the Federal Reserve System, April 12, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021–07803 Filed 4–15–21; 8:45 am]

BILLING CODE 6210–01–P

[1] 12 U.S.C. 1828(c). The Board also has the authority to require reports from state member banks (12 U.S.C. 248(a) and 324).

[2] 5 U.S.C. 552(b)(4).

[3] 5 U.S.C. 552(b)(6).

[4] 5 U.S.C. 552(b)(8).

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice, request for comment.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) invites comment on a proposal to extend for three years, without revision, the Disclosure Requirements Associated with the Consumer Financial Protection Bureau's (Bureau) Regulation M (FR M; OMB No. 7100–0202).

DATES: Comments must be submitted on or before June 15, 2021.

ADDRESSES: You may submit comments, identified by FR M, by any of the following methods:

- *Agency Website: https://www.federalreserve.gov/.* Follow the instructions for submitting comments at *https://www.federalreserve.gov/apps/foia/proposedregs.aspx.*
- *Email: regs.comments@federalreserve.gov.* Include the OMB number in the subject line of the message.
- *FAX:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Ann E. Misback, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551.

All public comments are available from the Board's website at *https://www.federalreserve.gov/apps/foia/proposedregs.aspx* as submitted, unless modified for technical reasons or to remove personally identifiable information at the commenter's request. Accordingly, comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper in Room 146, 1709 New York Avenue NW, Washington, DC 20006, between 9:00 a.m. and 5:00 p.m. on weekdays. For security reasons, the Board requires that visitors make an appointment to inspect comments. You may do so by calling (202) 452–3684. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

Additionally, commenters may send a copy of their comments to the Office of Management and Budget (OMB) Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452–3829.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the PRA to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. In exercising this delegated authority, the Board is directed to take every reasonable step to solicit comment. In determining whether to approve a collection of information, the Board will consider all comments received from the public and other agencies.

A copy of the Paperwork Reduction Act (PRA) OMB submission, including the reporting form and instructions, supporting statement, and other documentation will be available at *https://www.reginfo.gov/public/do/PRAMain,* if approved. These documents will also be made available on the Board's public website at *https://www.federalreserve.gov/apps/reportforms/review.aspx* or may be

requested from the agency clearance officer, whose name appears above.

Request for Comment on Information Collection Proposal

The Board invites public comment on the following information collection, which is being reviewed under authority delegated by the OMB under the PRA. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Board's functions, including whether the information has practical utility;

b. The accuracy of the Board's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

e. Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the Board should modify the proposal.

Proposal Under OMB Delegated Authority To Extend for Three Years, Without Revision, the Following Information Collection

Report title: Disclosure Requirements Associated with Bureau's Regulation M.

Agency form number: FR M.

OMB control number: 7100–0202.

Frequency: On occasion.

Respondents: The FR M panel comprises state member banks with assets of $10 billion or less that are not affiliated with an insured depository institution with assets over $10 billion (irrespective of the consolidated assets of any holding company); non-depository affiliates of such state member banks; and non-depository affiliates of bank holding companies that are not affiliated with an insured depository institution with assets over $10 billion. Notwithstanding the foregoing, the Bureau, and not the Board, has supervisory authority for Regulation M with respect to automobile leasing over non-banks defined as ''larger participants'' in the automobile finance market pursuant to 12 U.S.C. 5514 (implemented by 12 CFR 1090.108).

Estimated number of respondents: 4.

Estimated average hours per response: Lease disclosures, 0.11; Advertising rules, 0.42.

Estimated annual burden hours: Lease disclosures, 252; Advertising rules,7.

General description of report: The Consumer Leasing Act (CLA) and Regulation M are intended to provide consumers with meaningful disclosures about the costs and terms of leases for personal property. The disclosures enable consumers to compare the terms for a particular lease with those for other leases and, when appropriate, to compare lease terms with those for credit transactions. The CLA and Regulation M also contain rules about advertising consumer leases and limit the size of balloon payments in consumer lease transactions.

The Bureau's Regulation M applies to all types of lessors of personal property (except motor vehicle dealers excluded from the Bureau's authority under Dodd-Frank Act section 1029, which are covered by the Board's Regulation M). The CLA and Regulation M require lessors uniformly to disclose to consumers the costs, liabilities, and terms of consumer lease transactions.

Legal authorization and confidentiality: The FR M is authorized pursuant to sections 105(a) and 187 of the Truth in Lending Act (TILA), which require that the Bureau prescribe regulations regarding the disclosure requirements relating to consumer lease transactions. The FR M is mandatory.

Because the disclosures and records comprising the FR M are maintained at each banking organization, the Freedom of Information Act (FOIA) would only be implicated if the Board obtained such records as part of the examination or supervision of a banking organization. In the event the records are obtained by the Board as part of an examination or supervision of a financial institution, this information would be considered confidential pursuant to exemption 8 of the FOIA, which protects information contained in ''examination, operating, or condition reports'' obtained in the bank supervisory process.

Board of Governors of the Federal Reserve System, April 12, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021–07790 Filed 4–15–21; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice, request for comment.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) invites comment on a proposal to extend for three years, with revision, the reporting, recordkeeping, and disclosure requirements associated with the Truth in Lending Act (TILA), implemented by Regulation Z (FR Z; OMB No. 7100–0199).

DATES: Comments must be submitted on or before June 15, 2021.

ADDRESSES: You may submit comments, identified by FR Z, by any of the following methods:

- *Agency Website: https://www.federalreserve.gov/.* Follow the instructions for submitting comments at *https://www.federalreserve.gov/apps/foia/proposedregs.aspx.*
- *Email: regs.comments@federalreserve.gov.* Include the OMB number in the subject line of the message.
- *Fax:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Ann E. Misback, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551.

All public comments are available from the Board's website at *https://www.federalreserve.gov/apps/foia/proposedregs.aspx* as submitted, unless modified for technical reasons or to remove personally identifiable information at the commenter's request. Accordingly, comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper in Room 146, 1709 New York Avenue NW, Washington, DC 20006, between 9:00 a.m. and 5:00 p.m. on weekdays. For security reasons, the Board requires that visitors make an appointment to inspect comments. You may do so by calling (202) 452–3684. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

Additionally, commenters may send a copy of their comments to the Office of Management and Budget (OMB) Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New

Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452–3829.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the PRA to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. In exercising this delegated authority, the Board is directed to take every reasonable step to solicit comment. In determining whether to approve a collection of information, the Board will consider all comments received from the public and other agencies.

A copy of the Paperwork Reduction Act (PRA) OMB submission, including the reporting form and instructions, supporting statement, and other documentation will be available at *https://www.reginfo.gov/public/do/PRAMain,* if approved. These documents will also be made available on the Board's public website at *https://www.federalreserve.gov/apps/reportforms/review.aspx* or may be requested from the agency clearance officer, whose name appears above.

Request for Comment on Information Collection Proposal

The Board invites public comment on the following information collection, which is being reviewed under authority delegated by the OMB under the PRA. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Board's functions, including whether the information has practical utility;

b. The accuracy of the Board's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

e. Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the Board should modify the proposal.

Proposal Under OMB Delegated Authority To Extend for Three Years, With Revision, the Following Information Collection

Report title: Recordkeeping and Disclosure Requirements Associated with

Truth in Lending (Regulation Z).[1]

Agency form number: FR Z.

OMB control number: 7100–0199.

Frequency: Annually, on occasion.

Respondents: The FR Z panel comprises state member banks with assets of $10 billion or less that are not affiliated with an insured depository institution with assets over $10 billion (irrespective of the consolidated assets of any holding company); non-depository affiliates of such state member banks; and non-depository affiliates of bank holding companies that are not affiliated with an insured depository institution with assets over $10 billion.[2] However, the Consumer Financial Protection Bureau (Bureau) and the Federal Trade Commission (FTC) also have administrative enforcement authority over nondepository institutions for Regulation Z.[3] Accordingly, the Bureau allocates to itself half of the estimated burden to non-depository institutions, with the other half allocated to the FTC.[4]

The Board's ability to reduce regulatory burden for small entities under Regulation Z is limited because, as noted, the Dodd-Frank Act transferred rule writing authority for Board-supervised institutions under Regulation Z to the Bureau. Nonetheless, the Board has taken steps to minimize burden on small entities through tailored supervision, including through a risk-focused consumer compliance supervision program and an examination frequency policy that provides for lengthened time between examinations for institutions with a lower risk profile.

The Board allocates to itself all estimated burden to state member banks with assets of $10 billion or less that are not affiliated with an insured depository institution with assets over $10 billion.

Estimated number of respondents: Open-end (not home-secured credit): Applications and solicitations, 161; Account opening disclosures, Periodic statements, and Change-in-terms disclosures, 516; Timely settlement of estate debts policies, Timely settlement of estate debts—account information to estate administrator, and Ability to pay policies, 161; Open-End Credit—Home Equity Plans: Application disclosures, Account opening disclosures, Periodic statements, Change-in-terms disclosures, and Notices to restrict credit, 596; All Open-End Credit: Error resolution—credit cards, 161; Closed-End Credit—Non-Mortgage: Closed-end credit disclosures, 741; Closed-End Credit—Mortgage: Interest rate and payment summary and ''no-guarantee-to-refinance'' statement, 300; and, Loan estimate, Closing disclosure, ARM disclosures, Initial rate adjustment notice, Periodic statements, Periodic statements in bankruptcy (one time), Periodic statements in bankruptcy (ongoing), Post-consummation disclosures for successors in interest (one time), and Post-consummation disclosures for successors in interest (ongoing), 757; Open and Closed-End Mortgage: Pay off statements and Mortgage transfer disclosure, 757; Certain Home Mortgage Types: Reverse mortgage disclosures, 4; HOEPA disclosures and HOEPA receipt of certification of counseling for high-cost mortgages, 32; and Appraisals for higher-priced mortgage loans: Review and provide copy of initial appraisal, Investigate and verify requirement for additional appraisal, and Review and provide copy of additional appraisal, 674; Private Education Loans: Private student loan disclosures, 24; and Advertising Rules (all credit types): Advertising rules, 758.

Estimated average hours per response: Open-end (not home-secured credit): Applications and solicitations, 0.0014; Account opening disclosures, 0.003; Periodic statements and Change-in-terms disclosures, 0.017; Timely settlement of estate debts policies, 0.75; Timely settlement of estate debts—account information to estate administrator, 0.003; and Ability to pay policies, 0.75; Open-End Credit—Home Equity Plans: Application disclosures, 0.003; Account opening disclosures, Periodic statements, Change-in-terms disclosures, and Notices to restrict credit, 0.017; All Open-End Credit: Error resolution—credit cards, 0.5; Closed-End Credit—Non-Mortgage: Closed-end credit disclosures, 0.017; Closed-End Credit—Mortgage: Interest rate and payment summary and ''no-guarantee-

[1] Truth in Lending Act (TILA) is codified at 15 U.S.C. 1601 *et seq.* Regulation Z is published by the Board at 12 CFR part 226 and by the Consumer Financial Protection Bureau (Bureau) at 12 CFR part 1026.

[2] *See, e.g.,* 12 U.S.C. 5515–5516.

[3] *See* 12 U.S.C. 5514–5516.

[4] *See, e.g.,* 78 FR 6408, 6481 (January 30, 2013); 78 FR 11280, 11408 (February 15, 2013); 78 FR 79730, 80100 (December 31, 2013).

to-refinance'' statement, Loan estimate, and Closing disclosure, 0.017; ARM disclosures and Initial rate adjustment notice, 0.003; Periodic statements, 0.017; Periodic statements in bankruptcy (one time), 16.5; Periodic statements in bankruptcy (ongoing), 0.017; Post-consummation disclosures for successors in interest (one time), 16.5; and Post-consummation disclosures for successors in interest (ongoing), 0.17; Open and Closed-End Mortgage: Pay off statements, 0.017; and Mortgage transfer disclosure, 0.003; Certain Home Mortgage Types: Reverse mortgage disclosures, and HOEPA disclosures, 0.017; HOEPA receipt of certification of counseling for high-cost mortgages, 0.003; and Appraisals for higher-priced mortgage loans: Review and provide copy of initial appraisal, Investigate and verify requirement for additional appraisal, and Review and provide copy of additional appraisal, 0.25; Private Education Loans: Private student loan disclosures, 0.003; and Advertising Rules (all credit types): Advertising rules, 0.417.

Estimated annual burden hours: Open-end (not home-secured credit): Applications and solicitations, 89; Account opening disclosures, 853; Periodic statements, 150,343; Change-in-terms disclosures, 12,526; Timely settlement of estate debts policies, 121; Timely settlement of estate debts—account information to estate administrator, 4; and Ability to pay policies, 121; Open-End Credit—Home Equity Plans: Application disclosures, 885; Account opening disclosures, 3,445; Periodic statements, 54,105; Change-in-terms disclosures, 902; and Notices to restrict credit, 730; All Open-End Credit: Error resolution—credit cards, 1,047; Closed-End Credit—Non-Mortgage: Closed-end credit disclosures, 2,305; Closed-End Credit—Mortgage: Interest rate and payment summary and ''no-guarantee-to-refinance'' statement, 128; Loan estimate, 6,756; Closing disclosure, 4,967; ARM disclosures, 34; Initial rate adjustment notice, 20; Periodic statements, 7,335; Periodic statements in bankruptcy (one time), 12,491; Periodic statements in bankruptcy (ongoing), 77; Post-consummation disclosures for successors in interest (one time), 12,491; and Post-consummation disclosures for successors in interest (ongoing), 129; Open and Closed-End Mortgage: Pay off statements, 373; and Mortgage transfer disclosure, 89; Certain Home Mortgage Types: Reverse mortgage disclosures, 8; HOEPA disclosures, 1; HOEPA receipt of certification of counseling for high-cost mortgages, 0; Appraisals for higher-priced mortgage loans: Review and provide copy of initial appraisal, 4,887; Investigate and verify requirement for additional appraisal, 4,887; and Review and provide copy of additional appraisal, 202; Private Education Loans: Private student loan disclosures, 123; and Advertising Rules (all credit types): Advertising rules, 1,580.

General description of report: The Truth in Lending Act (TILA) and Regulation Z promote the informed use of credit to consumers for personal, family, or household purposes by requiring disclosures about its terms and costs, as well as ensure that consumers are provided with timely information on the nature and costs of the residential real estate settlement process.

Proposed revisions: The Board proposes to revise FR Z to: (1) Add burden related to disclosure requirements in rules issued by the Bureau since the Board's last Paperwork Reduction Act (PRA) submission, as well as for one information collection for which the Bureau estimates burden but the Board previously did not; (2) break out and clarify burden estimates that were previously consolidated; and (3) eliminate burden associated with certain requirements because the Bureau accounts for burden for the entire industry, or because the burden is now deemed de minimis or a part of an institution's usual and customary business practices.

Legal authorization and confidentiality: The disclosure, recordkeeping, and other requirements of Regulation Z are authorized by TILA, which directs the Bureau and, for certain lenders, the Board to issue regulations implementing the statute. The obligation to respond is mandatory.

The disclosures, records, policies and procedures required by Regulation Z are not required to be submitted to the Board. To the extent such information is obtained by the Board through the examination process, they may be kept confidential under exemption 8 of the Freedom of Information Act, which protects information contained in or related to an examination of a financial institution.[5]

Consultation outside the agency: The Board consulted with the Bureau regarding the estimated burden of this information collection.

[5] 5 U.S.C. 552(b)(8).

Board of Governors of the Federal Reserve System, April 12, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021–07763 Filed 4–15–21; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Submission for OMB Review; Comment Request

AGENCY: Federal Trade Commission.

ACTION: Notice.

SUMMARY: The Federal Trade Commission (''FTC'' or ''Commission'') requests that the Office of Management and Budget (''OMB'') extend for an additional three years the current Paperwork Reduction Act (''PRA'') clearance for the information collection requirements in in its rule governing Care Labeling of Textile Wearing Apparel and Certain Piece Goods As Amended (''Care Labeling Rule''). The current clearance expires on May 31, 2021.

DATES: Comments must be filed by May 17, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Hampton Newsome, Attorney, Division of Enforcement, Bureau of Consumer Protection, (202) 326–2889, 600 Pennsylvania Ave. NW, Washington, DC 20580.

SUPPLEMENTARY INFORMATION:

Title of Collection: Care Labeling of Textile Wearing Apparel and Certain Piece Goods As Amended, 16 CFR 423.

OMB Control Number: 3084–0103.

Type of Review: Extension of currently approved collection.

Affected Public: Private Sector: Businesses and other for-profit entities.

Abstract: The Care Labeling Rule requires manufacturers and importers of textile wearing apparel and certain piece goods to attach labels to their products disclosing the care needed for the ordinary use of the product. The Rule also requires manufacturers or importers to possess a reasonable basis for care instructions, and allows the use of approved care symbols in lieu of words to disclose those instructions.

Estimated Annual Burden Hours: 27,489,476 hours.

Estimated Annual Labor Costs: $187,184,518.

Estimated Annual Non-Labor Costs: $0.

Request for Comment: On November 12, 2020, the Commission sought comment on the information collection requirements associated with the Care Labeling Rule. 85 FR 71900 (Nov. 12, 2020). No relevant comments were received. Pursuant to the OMB regulations, 5 CFR part 1320, the FTC is providing this second opportunity for public comment while seeking OMB approval to renew clearance for the Rule's information collection requirements.

Your comment—including your name and your state—will be placed on the public record of this proceeding. Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, like anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, like medical records or other individually identifiable health information. In addition, do not include any ''[t]rade secret or any commercial or financial information which is . . . privileged or confidential'' as provided in Section 6(f) of the FTC Act 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns devices, manufacturing processes, or customer names.

Josephine Liu,

Assistant General Counsel for Legal Counsel.

[FR Doc. 2021–07798 Filed 4–15–21; 8:45 am]

BILLING CODE 6750–01–P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–0007; Docket No. 2021–0001; Sequence No. 2]

Information Collection; General Services Administration Acquisition Regulation; Contractor's Qualifications and Financial Information, GSA Form 527

AGENCY: Office of Acquisition Policy, General Services Administration (GSA).

ACTION: Notice of request for comments regarding an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement regarding Contractor's Qualifications and Financial Information through GSA Form 527.

DATES: *Submit comments on or before:* June 15, 2021.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to:

- *Regulations.gov: http://www.regulations.gov*.

Submit comments via the Federal eRulemaking portal searching Information Collection 3090–0007. Select the link ''Comment Now'' that corresponds with ''Information Collection 3090–0007, Contractor's Qualifications and Financial Information, GSA Form 527''. Follow the instructions provided on the screen. Please include your name, company name (if any), and ''Information Collection 3090–0007; Contractor's Qualifications and Financial Information, GSA Form 527'' on your attached document. If your comment cannot be submitted using *https://www.regulations.gov,* call or email the points of contact in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

Instructions: Please submit comments only and cite ''Information Collection 3090–0007, Contractor's Qualifications and Financial Information, GSA Form 527'', in all correspondence related to this collection. Comments received generally will be posted without change to *regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *regulations.gov,* approximately two-to-three business days after submission to verify posting.

FOR FURTHER INFORMATION CONTACT: Bryon Boyer, Procurement Analyst, Office of Governmentwide Policy, by phone at 817–850–5580 or by email at *gsarpolicy@gsa.gov*.

SUPPLEMENTARY INFORMATION:

A. Purpose

The General Services Administration will be requesting that OMB extend information collection 3090–0007, concerning GSA Form 527, Contractor's Qualifications and Financial Information. This form is used to determine the financial capability of prospective contractors as to whether they meet the financial responsibility standards in accordance with the Federal Acquisition Regulation (FAR) 9.103(a) and 9.104–1 and also the General Services Administration Acquisition Manual (GSAM) 509.105–1(a).

B. Annual Reporting Burden

Respondents: 1,733.
Responses per Respondent: 1.2.
Total Responses: 2,080.
Hours per Response: 1.5.
Total Burden Hours: 3,120.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the Regulatory Secretariat Division by calling 202–501–4755 or emailing *GSARegSec@gsa.gov*. Please cite OMB Control No. 3090–0007; Contractor's Qualifications and Financial Information, GSA Form 527, in all correspondence.

Jeffrey A. Koses,

Senior Procurement Executive, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2021–07805 Filed 4–15–21; 8:45 am]

BILLING CODE 6820–61–P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–0080; Docket No. 2021–0053; Sequence No. 3]

Information Collection; General Services Administration Acquisition Regulation; Contract Financing Final Payment, GSA Form 1142, Release of Claims

AGENCY: Office of Acquisition Policy, General Services Administration (GSA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the

Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement of GSA Form 1142, Release of Claims, regarding final payment under construction and building services contract.

DATES: Submit comments on or before: June 15, 2021.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: *http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching for Information Collection 3090–0080. Select the link ''Comment Now'' that corresponds with ''Information Collection 3090–0080, Contract Financing Final Payment; GSA Form 1142, Release of Claims''. Follow the instructions provided at the ''Submit a Comment'' screen. Please include your name, company name (if any), and ''Information Collection 3090–0080, Contract Financing Final Payment; GSA Form 1142, Release of Claims'' on your attached document. If your comment cannot be submitted using *https://www.regulations.gov,* call or email the points of contact in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

Instructions: Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two-to-three days after submission to verify posting.

FOR FURTHER INFORMATION CONTACT: Bryon Boyer, Procurement Analyst, Office of Governmentwide Policy, by phone at 817–850–5580 or by email at *gsarpolicy@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

The General Services Administration Acquisition Regulation (GSAR) clause 552.232–72 requires construction and building services contractors to submit a release of claims before final payment is made to ensure contractors are paid in accordance with their contract requirements and for work performed. GSA Form 1142, Release of Claims is used to achieve uniformity and consistency in the release of claims process.

B. Annual Reporting Burden

Respondents: 1,330.
Responses per Respondent: 1.
Annual Responses: 1,330.
Hours per Response: 0.10.
Total Burden Hours: 133.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate and based on valid assumptions and methodology; and ways to enhance the quality, utility, and clarity of the information to be collected.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the Regulatory Secretariat Division by calling 202–501–4755 or emailing *GSARegSec@gsa.gov.*

Please cite OMB Control No. 3090–0080; Contract Financing Final Payment, GSA Form 1142, Release of Claims, in all correspondence.

Jeffrey A. Koses,

Senior Procurement Executive, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2021–07806 Filed 4–15–21; 8:45 am]

BILLING CODE 6820–61–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–21–21EK; Docket No. CDC–2021–0037]

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 American Academy of Pediatrics (AAP) Neurodevelopmental Extension for Community Health Outcomes (ECHO)program on Children with Fetal Alcohol Spectrum Disorders (FASD). The purpose of this information collection is to monitor and evaluate the American Academy of Pediatrics (AAP) Neurodevelopmental Extension for Community Health Outcomes (ECHO) Program on Children with Fetal Alcohol Spectrum Disorders (FASD). The intent of the project is to improve practicing pediatrician capacity for identification and care of children with neurodevelopmental disorders, particularly prenatal exposure to alcohol, in the medical home.

DATES: CDC must receive written comments on or before June 15, 2021.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2021–0037 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

American Academy of Pediatrics (AAP) Neurodevelopmental Extension for Community Health Outcomes (ECHO) Program on Children with Fetal Alcohol Spectrum Disorders (FASD)—New—National Center on Birth Defects and Developmental Disabilities (NCBDDD), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The purpose of this information collection is to monitor and evaluate the American Academy of Pediatrics (AAP) Neurodevelopmental Extension for Community Health Outcomes (ECHO) Program on Children with Fetal Alcohol Spectrum Disorders (FASD). The intent of the project is to improve practicing pediatrician capacity for identification and care of children with neurodevelopmental disorders, particularly prenatal exposure to alcohol, in the medical home.

Evaluation information will be used to monitor any incorporation of presented materials or suggestions from ECHO sessions into participating pediatric practices. Feedback also will inform any needed changes in topics, procedures, or other aspects of the program. The purpose and use of the session evaluation data will be to assure that specific information is conveyed and understood by participants for each monthly session, ongoing improvement in identification and referral by participating pediatricians, and to inform subsequent neurodevelopmental ECHO projects.

Data will be collected through secure email and will include monthly chart reviews, a monthly session evaluation survey, one overall program evaluation survey at the end of the project period, and one overall debriefing conference call at the end of the project. The target population is actively practicing pediatricians. Quantitative descriptive analyses are planned for the chart reviews. Qualitive data will be obtained from the session and program evaluation surveys, as well as the debriefing conference call. CDC requests approval for an estimated 496 annualized burden hours.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses	Burden per response (minutes)	Burden in hours
Pediatricians	Chart Review	15	160	12/60	480
Pediatricians	Session evaluation survey	15	8	5/60	10
Pediatricians	Program evaluation survey	15	1	5/60	1
Pediatricians	Debriefing conference call	15	1	60/60	15
Total					496

Jeffrey M. Zirger,
Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2021–07840 Filed 4–15–21; 8:45 am]
BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–21–21EE; Docket No. CDC–2021–0033]

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 Integrated Viral Hepatitis Surveillance and Prevention Funding for Health Departments. This new data collection is for viral hepatitis (VH) case reporting data collected from the National Notifiable Diseases Surveillance System (NNDSS) which provides the primary population-based data used to describe the epidemiology of VH in the United States and for annual reporting of surveillance, prevention, and epidemiology performance measures via an Annual Performance Report.

DATES: CDC must receive written comments on or before June 15, 2021.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2021–0033 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

Integrated Viral Hepatitis Surveillance and Prevention Funding for Health Departments—New—National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

CDC is authorized under Sections 304 and 306 of the Public Health Service Act (42 U.S.C. 242b and 242k) to collect information on cases of viral hepatitis (VH). Data collected by the National Notifiable Diseases Surveillance System (NNDSS) are the primary data used to monitor the extent and characteristics of the VH burden in the United States. VH surveillance data are used to describe trends in VH incidence, prevalence, and characteristics of infected persons and are used widely at the federal, state, and local levels for planning and evaluating prevention programs and health-care services, and to allocate funding for prevention and care.

In 2021, CDC is implementing activities under a new cooperative agreement Integrated Viral Hepatitis Surveillance and Prevention Funding for Health Departments (CDC–RFA–PS21–2103). Tools exist to prevent new cases of hepatitis A, B, and C, to treat people living with hepatitis B, and to cure people living with hepatitis C. Yet new cases of VH continue to rise, many people infected with VH remain undiagnosed, and far too many VH-related deaths occur in the US each year. The purpose of the activities under a new cooperative agreement is to enable states to collect data to evaluate disease burden and trends and to analyze and disseminate that data to develop or refine recommendations, policies, and practices that will ultimately reduce the burden of VH in their jurisdictions. The goals of the activities are to reduce new VH infections, VH-related morbidity and mortality, and VH-related disparities and to establish comprehensive national VH surveillance, which are in accordance with the Division of Viral Hepatitis 2025 Strategic Plan.

The activities of the new cooperative agreement are separated into two components (Component 1: Surveillance, and Component 2: Prevention), containing six strategies: 1.1, develop, implement, and maintain a plan to rapidly detect and respond to outbreaks for hepatitis A, B, and C; 1.2, collect, analyze, interpret, and disseminate data to characterize trends, and implement public health interventions for hepatitis A, acute hepatitis B and acute and chronic hepatitis C; 1.3 (contingent on available funding), collect, analyze, interpret, and disseminate data to characterize trends and implement public health interventions for chronic hepatitis B and perinatal hepatitis C; 2.1, support VH elimination planning and surveillance, and maximize access to testing, treatment, and prevention; 2.2 (contingent on available funding), increase access to HCV and HBV testing and referral to care in high-impact settings; and 2.3 (contingent on available funding), improve access to services preventing VH among persons who inject drugs. Contingent on funding, an optional component (Component 3: Special Projects) will support improved access to prevention, diagnosis, and treatment of viral, bacterial and fungal infections related to drug use in settings disproportionately affected by drug use.

Performance measures will be monitored to assess recipient performance, including quality of data, effective program implementation, and accountability of funds. Data collection via the Annual Performance Report is used for program accountability and to inform performance improvement.

Outbreak reporting will also be submitted throughout the year. These data, which complement case data as another key component of national viral hepatitis surveillance, are critical to determining both the level of viral hepatitis activity within a jurisdiction as well as the effectiveness of each jurisdiction's approach to cluster and outbreak response.

A standardized Case Report Form will be used for surveillance data collection submitted to the National Notifiable Diseases Surveillance System (NNDSS). De-identified data, including national VH surveillance data, will be submitted to CDC electronically per each jurisdiction's usual mechanism. Recipients will submit other required quantitative and qualitative performance measure data annually via an Annual Performance Report and as needed for outbreak reporting. CDC requests approval for an estimated 6,688 annual burden hours. There are no other costs to 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 hours)	Total annual burden (in hours)
Health Departments	Viral Hepatitis Case Report Form	51	381	20/60	6,477
Health Departments	APR: Component 1	59	1	1	59
Health Departments	APR: Component 2	59	1	1	59
Health Departments	APR: Component 3	14	1	1	14
Health Departments	Initial Outbreak Report Form	59	2	20/60	39
Health Departments	Outbreak Summary Report Form	59	2	20/60	39
Total					6,688

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2021–07838 Filed 4–15–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket No. CDC–2021–0042]

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. The meeting will be webcast live via the World Wide Web.

DATES: The meeting will be held on April 14, 2021, from 1:30 p.m. to 4:30 p.m., EDT (dates and times subject to change, see the ACIP website for updates: *http://www.cdc.gov/vaccines/acip/index.html*). Written comments must be received on or before April 16, 2021.

ADDRESSES: For more information on ACIP please visit the ACIP website: *http://www.cdc.gov/vaccines/acip/index.html.*You may submit comments, identified by Docket No. CDC–2021–0042 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, GA 30329–4027, Attn: April 14, 2021 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.*

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, GA 30329–4027; Telephone: 404–639–8367; Email: *ACIP@cdc.gov.*

SUPPLEMENTARY INFORMATION: In accordance with 41 CFR 102–3.150(b), less than 15 calendar days' notice is being given for this meeting due to the exceptional circumstances of the COVID–19 pandemic and rapidly evolving COVID–19 vaccine development and regulatory processes. The Secretary of Health and Human Services has determined that COVID–19 is a Public Health Emergency. A notice of this ACIP meeting has also been posted on CDC's ACIP website at: *http://www.cdc.gov/vaccines/acip/index.html. In addition, CDC has sent notice of this ACIP meeting by email to those who subscribe to receive email updates about ACIP.*

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 Janssen (Johnson & Johnson) COVID–19 Vaccine Safety. A recommendation vote(s) is 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: *http://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.

Written Public Comment: Written comments must be received on or before April 16, 2021.

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 April 14, 2021 ACIP meeting must submit a request at *http://www.cdc.gov/vaccines/acip/meetings/* 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 12:00 p.m., EDT, April 14, 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.

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. 2021–07979 Filed 4–14–21; 11:15 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–21–21EJ; Docket No. CDC–2021–0038]

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 SimpleReport Mobile Application. SimpleReport is a free web-based application that provides an easy way to manage the testing workflow, to record results for rapid point of care COVID tests, to report the results to the appropriate public health department on behalf of the testing site, and to comply with existing requirements.

DATES: CDC must receive written comments on or before June 15, 2021.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2021–0038 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

SimpleReport Mobile Application—New—Office of Science (OS), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

SimpleReport is a free web-based application that provides an easy way to manage the testing workflow, to record results for rapid point of care COVID tests, to report the results to the appropriate public health department on behalf of the testing site, and to comply with existing requirements. The data collected through this application is crucial for public health departments to take action during the current health crisis. Currently, many point of care

tests are reported on paper, on fax, or are not reported at all.

SimpleReport will help public health departments get faster, better data and help them:

- Do contact tracing and case investigation faster with positive cases
- Identify outbreaks in the community faster
- Calculate percent positivity for testing continuously

SimpleReport will allow the user, after the administration of a test, to load in patient data, data about the facility, and data about the testing device. The user can then use the application as a part of their testing workflow to manage their work. Information submitted to the application will be sent to the appropriate State, Local, Territorial, or Tribal Public Health Department. The Health Department, as appropriate, may share the anonymized data with CDC for public health purposes.

CDC requests OMB approval for an estimated 379,600 annual burden hours. There is no cost to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Average number of responses per respondent	Average burden per response (hours)	Total burden (hours)
Testing Facility Users	SimpleReport Use—User Training	10,000	1	10/60	1,600
Testing Facility Users	SimpleReport Use—Inputting Patient Data and Test Result Reporting.	10,000	1	6/60	1,000
Testing Facility Users	SimpleReport Use—Repeated Tests on Existing Users.	10,000	12	6/60	12,000
Testing Facility Users	Long-Term Program—User Training	250,000	1	10/60	40,000
Testing Facility Users	Long-Term Program—Inputting Patient Data and Test Result Reporting.	250,000	1	6/60	25,000
Testing Facility Users	Long-Term Program—Repeated Tests on Existing Users.	250,000	12	6/60	300,000
Total	.....	.....	.....	.....	379,600

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2021–07839 Filed 4–15–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60 Day–21–1265; Docket No. CDC–2021–0040]

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 the Chronic Disease Self-Management Questionnaire. The questionnaire used for this study will assess Chronic Disease Self-Management participant health behaviors and overall health before and after a six-week workshop.

DATES: CDC must receive written comments on or before June 15, 2021.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2021–0040 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

Evaluation of the Chronic Disease Self-Management Program in the US Affiliated Pacific Islands (OMB Control No. 0920–1265, Exp. 06/30/2021)—Extension—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

NCCDPHP is evaluating the implementation of Stanford University's Chronic Disease Self-Management Program (CDSMP) in the US Affiliated Pacific Islands (USAPI). These jurisdictions include American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia.

The purpose of the evaluation is to understand how CDSMP is being implemented in the region, to identify barriers and facilitators to implementation, to monitor fidelity to Stanford University's model and document adaptations to the curriculum, and to understand the self-reported effects of the program on program participants. Because this is the first time CDSMP is being implemented in the USAPI, we do not know if the intervention, which has proven to improve health outcomes in many ethnic groups within the United States, will lead to improved health outcomes for these communities.

Collecting this data helps us assess fidelity to and adaptations to the intervention and to understand if CDSMP, an evidence-based intervention, has the same effect in the US Affiliated Pacific Islands as it has in multiple ethnic groups within the United States. CDC requests OMB approval for an estimated 95 annual burden hours. There are no costs to 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 burden (in hr)
Program Participant	Chronic Disease Self-Management Workshop Evaluation.	190	1	10/60	32
Program Participant	Chronic Disease Self-Management Questionnaire (Pre-Post Test).	190	2	10/60	63
Total	.....	.....	.....	.....	95

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2021–07836 Filed 4–15–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; OPRE Data Collection for Supporting Youth To Be Successful in Life (SYSIL) (New Collection)

AGENCY: Office of Planning, Research, and Evaluation, Administration for Children and Families, HHS.

ACTION: Request for public comment.

SUMMARY: The Administration for Children and Families (ACF) is requesting approval from the Office of Management and Budget (OMB) for a new data collection. The Supporting Youth to be Successful in Life study (SYSIL) will build evidence on how to end homelessness among youth and young adults with experience in the child welfare system by continuing work with an organization who conducted foundational work as part of the Youth At-Risk of Homelessness project (OMB Control Number: 0970–0445). SYSIL will provide important information to the field by designing and conducting a federally led evaluation of a comprehensive service model for youth at risk of homelessness.

DATES: *Comments due within 30 days of publication.* OMB must make a decision about the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication.

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.

SUPPLEMENTARY INFORMATION:

Description: The SYSIL evaluation includes an implementation study and an impact study, which will use a rigorous quasi-experimental design that includes a comparison group. This new information collection request includes the baseline and follow-up survey instruments for the impact study (a single instrument administered four times), and discussion guides for interviews and focus groups for the implementation study. The data collected from the baseline and follow-up surveys will be used to describe the characteristics of the study sample of youth, develop models for estimating program impacts, and determine program effectiveness by comparing outcomes between youth in the treatment (youth receiving the Pathways program) and control groups. Data from the interviews and focus groups will provide a detailed understanding of program implementation. We will also conduct brief check-ins with program directors using a subset of questions from the interview guides to collect information on services provided at two additional points in time. The study will also use administrative data from the child welfare system, homelessness management information system, and program providers. Administrative data will be used in its existing format and does not impose any new information collection or recordkeeping requirements on respondents.

Respondents: The baseline and follow-up surveys will be administered to youth in the treatment group (youth receiving the Pathways program) and youth in the control group who consent to participate in the study. Interviews will be conducted with program leadership and staff. Focus groups will be conducted with a subset of youth who are participating in the study. Check-ins will be conducted with program directors.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents (total over request period)	Number of responses per respondent (total over request period)	Average burden per response (in hours)	Total burden (in hours)	Annual burden (in hours)
SYSIL Youth Survey—Baseline survey	700	1	.5	350	117
SYSIL Youth Survey—Follow-up survey 1 (6 months)	630	1	.5	315	105
SYSIL Youth Survey—Follow-up survey 2 (12 months)	595	1	.5	298	99
SYSIL Youth Survey—Follow-up survey 3 (24 months)	490	1	.5	245	82
Interview guide for Pathways sites (treatment sites)	30	1	1.5	45	15
Program Director Check-ins for Pathways sites (treatment sites)	6	2	.5	6	2
Interview guide for comparison sites	30	1	1.5	45	15
Program Director Check-ins for comparison sites	6	2	.5	6	2
Focus group discussion guide for Pathways youth (treatment youth)	50	1	1.5	75	25
Focus group discussion guide for comparison youth	50	1	1.5	75	25

Estimated Total Annual Burden Hours: 487.

Authority: Section 105(b)(5) of the Child Abuse Prevention and Treatment Act (CAPTA) of 1978 (42 U.S.C. 5106(b)(5)), as amended by the CAPTA Reauthorization Act of 2010 (Pub. L. 111–320).

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2021–07752 Filed 4–15–21; 8:45 am]

BILLING CODE 4184–29–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2021–Z–0025]

Medical Devices; Class I Surgeon's and Patient Examination Gloves

AGENCY: Department of Health and Human Services (HHS), Food and Drug Administration (FDA).

ACTION: Notice; request for comments.

SUMMARY: The Department of Health and Human Services (HHS or ''the Department'') issued a Notice in the **Federal Register** of January 15, 2021, that, among other things, identified seven types of reserved class I devices that the Department had determined no longer require premarket notification. The Department and the Food and Drug Administration (FDA or ''the Agency'') have reviewed the prior determination, including the record supporting it, and believe that the determination is flawed. This notice explains the basis for HHS and FDA's current view that the seven types of reserved class I devices identified in the January 15, 2021, Notice require a premarket notification, and explains why the reasoning supporting the prior determination was unsound. HHS and FDA are seeking comment on the matters discussed in this notice and will issue a future notice in the **Federal Register** containing a final determination regarding the class I medical gloves listed in the January 15, 2021, Notice.

DATES: Submit either electronic or written comments on this Notice by May 17, 2021.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Comments must be submitted by May 17, 2021. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of May 17, 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–2021–Z–0025 for ''Medical Devices; Class I Reserved Surgeon's and Patient Examination Gloves.'' 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: Angela Krueger, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 1660, Silver Spring, MD 20993, 301–796–6380, *RPG@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background Regarding Section 510(l) of the FD&C Act

Under section 513 of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 360c), FDA must classify devices into one of three regulatory classes: Class I, class II, or class III. FDA classification of a device is determined by the amount of regulation necessary to provide a reasonable assurance of safety and effectiveness. Under the Medical Device Amendments of 1976 (Pub. L. 94–295) and the Safe Medical Devices Act of 1990 (Pub. L. 101–629), devices are classified into class I (''general controls'') if there is information showing that the general controls of the FD&C Act are sufficient to assure safety and effectiveness; into class II (''special controls''), if general controls, by themselves, are insufficient to provide reasonable assurance of safety and effectiveness, but there is sufficient information to establish special controls to provide such assurance; and into class III (premarket approval), if there is insufficient information to support classifying a device into class I or class II and the device is a life sustaining or life supporting device, or is for a use which is of substantial importance in preventing impairment of human health, or presents a potential unreasonable risk of illness or injury.

Unless a device is exempt from premarket notification, section 510(k) of the FD&C Act (21 U.S.C. 360(k)) and the implementing regulations, part 807 (21 CFR part 807), require persons who intend to market a new device to submit a premarket notification (510(k)) demonstrating that the new device is ''substantially equivalent'' within the meaning of section 513(i) of the FD&C Act to a legally marketed device that does not require premarket approval. Section 510(*l*) of the FD&C Act, added to the statute by the Food and Drug Administration Modernization Act of 1997 (FDAMA and now codified as section 510(*l*)(1), provides that a 510(k) is not required for a class I device, except for a class I device intended for a use that is of substantial importance in preventing impairment of human health, or any class I device that presents a potential unreasonable risk of illness or injury. FDA refers to these as the ''reserved criteria'' and to class I devices subject to 510(k) as ''class I reserved devices.'' Thus, class I devices are exempt from the 510(k) requirements unless a class I device type meets the reserved criteria under section 510(*l*)(1) of the FD&C Act.

After the enactment of FDAMA, FDA evaluated all class I devices in interstate commerce at that time to determine which device types met the reserved criteria. On February 2, 1998, FDA published in a notice in the **Federal Register**: (1) A list of device types that FDA believed met the reserved criteria and thus would remain subject to premarket notification and (2) a list of device types that FDA believed did not meet these criteria and thus would be exempt from such requirement as of February 19, 1998 (the statutory effective date for what is now section 510(*l*)(1)) (63 FR 5387). As part of the evaluation, where FDA determined a device type did not meet the reserved criteria, FDA also considered limitations on that exemption—that is, the circumstances under which an exempt device could, depending on the device's intended use or potential unreasonable risk, meet the reserved criteria and thus remain subject to the premarket notification requirement (63 FR 5387 at 5388 to 5389). Although devices that did not meet the reserved criteria became exempt on February 19, 1998, the February 2, 1998, notice invited public comment on FDA's determinations concerning the status of various class I devices. On November 12, 1998, FDA published a proposed rule to amend the applicable classification regulations in the Code of Federal Regulations to designate which class I devices require premarket notification and which devices are exempt from premarket notification under section 510(*l*) of the FD&C Act (63 FR 63222). This took into account FDA's determinations in the February 1998 notice, comments received in response to that notice, and other information available to the Agency. At the same time, FDA evaluated devices the Agency had, prior to FDAMA, exempted from the premarket notification requirement by rulemaking. FDA determined that five such device types met the reserved criteria and thus proposed to amend the applicable classification regulations accordingly (63 FR 63222). FDA issued a final rule amending those classification regulations on January 14, 2000 (65 FR 2296).

On December 13, 2016, the 21st Century Cures Act (Cures Act) amended section 510(*l*) of the FD&C Act, reorganizing section 510(*l*) into subsections 510(*l*)(1) and (2). Section 510(*l*)(2) of the FD&C Act requires FDA to identify at least once every 5 years, through publication in the **Federal Register**, any type of class I device that the Agency determines no longer requires a report under section 510(k) of the FD&C Act to provide reasonable assurance of safety and effectiveness. Section 510(*l*)(2) of the FD&C Act further provides that upon publication of the Agency's determination in the **Federal Register**, these devices shall be exempt from 510(k) and the classification regulation applicable to each such type of device shall be deemed amended to incorporate such exemption. Following the enactment of the Cures Act, FDA published in a notice in the **Federal Register** a list of

class I device types that it had determined no longer meet the reserved criteria and are thus exempt from 510(k) (82 FR 17841, April 13, 2017). In 2019, FDA amended the classification regulations to reflect the exemption determinations (84 FR 71794, December 30, 2019). That final order and amendment also addressed exemption determinations for class II devices, which are subject to a different process.

II. Criteria for Exemption From Section 510(k) of the FD&C Act

FDA has explained, following the enactment of both FDAMA and the Cures Act, that it determines whether class I devices are subject to, or exempt from, 510(k) based on the reserved criteria. The Department concurs. As previously noted, the statute sets forth the relevant criteria for when a class I device is subject to section 510(k) of the FD&C Act. Specifically, section 510(*l*)(1) of the FD&C Act provides that a class I device is not exempt from the premarket notification requirements of section 510(k) if the device is intended for a use that is of substantial importance in preventing impairment of human health, or it presents a potential unreasonable risk of illness or injury (63 FR 5387, 82 FR 17841).

Because all devices must have a reasonable assurance of safety and effectiveness (see discussion regarding classification and the level of regulation necessary to provide such assurance in section I of this document), the reserved criteria delineate which class I devices require a 510(k) to provide a reasonable assurance of safety and effectiveness and which do not. Thus, the directive in section 510(*l*)(2) of the FD&C Act that FDA must identify class I devices it determines no longer require a report under section 510(k) to provide reasonable assurance of safety and effectiveness means that FDA must identify which class I devices that FDA previously determined meet the reserved criteria no longer meet these criteria, in which case a 510(k) is no longer required to provide reasonable assurance of safety and effectiveness. FDA has explained that in determining whether either of these criteria are met, the Agency considers for example, its experience in reviewing premarket notifications for each device, focusing on the risk inherent with the device and the disease being treated or diagnosed (*e.g.,* devices with rapidly evolving technology or expansions of intended uses) (63 FR 5387, 82 FR 17841). The Agency also considers the history of adverse event reports under the medical device reporting program for these devices, as well as their history of product recalls.

III. Determination Regarding Surgeon's Gloves and Patient Examination Gloves and Premarket Notification

Based on the risks inherent with surgeon's gloves and patient examination gloves and the diseases being prevented, FDA's experience with these devices, and other relevant considerations, HHS and FDA believe that gloves with the product codes LYY, LYZ, OIG, OPC, OPH, LZC, and OPA are intended for uses which are of substantial importance in preventing impairment of human health or present a potential unreasonable risk of illness or injury and thus require a report under section 510(k) of the FD&C Act. Surgeon's gloves and patient examination gloves are generally intended to prevent contamination and the spread of pathogens (see 21 CFR 878.4460 and 880.6250). They can be the key barrier that protects against the spread of infection between individuals, including infections transmitted through bodily fluids, such as hepatitis or human immunodeficiency virus (HIV) (Refs. 1–3). Surgeon's gloves, in particular, prevent against contamination in the operating room, where patients are highly vulnerable to infection (Refs. 4 and 5). Medical gloves also serve other key purposes, such as protecting against occupational exposure to chemotherapy drugs, which have potential mutagenic, carcinogenic, and teratogenic effects (Refs. 6 and 7). Thus, these gloves play an important role in preventing risks to the public, and 510(k) review is necessary to provide reasonable assurance of their safety and effectiveness, including by helping to assure that the gloves are durable and impermeable, among other things.

Because of their importance in preventing impairment of human health, FDA has long considered these seven types of gloves to meet the reserved criteria under section 510(*l*) of the FD&C Act and to be subject to the 510(k) requirement. In 1998, after considering its experience in reviewing premarket notifications for those devices, as well as the history of adverse event reports and recalls, FDA determined that surgeon's gloves and patient examination gloves meet the reserved criteria (63 FR 5387). FDA invited comments on the February 2, 1998, Notice, and received no comments regarding gloves. When FDA proposed to amend the classification regulations in November 1998 to reflect its determinations as to which class I devices were exempt and which were not (63 FR 63222), FDA again received no comments regarding these surgeon's gloves and patient examination gloves. FDA's January 2000 final rule to amend the classification regulations reflected this determination (65 FR 2296).

Following the enactment of the Cures Act, in 2017, FDA again evaluated all class I reserved devices to determine whether they continued to meet the reserved criteria. In doing so, FDA identified a number of class I devices that, based on the considerations discussed above, do not meet those criteria and thus no longer require premarket notification (82 FR 17841). FDA also considered applicable limitations for the device types that it determined were exempt. During this evaluation, FDA specifically considered the seven types of gloves discussed above. FDA took into account its experiences with 510(k) submissions for the gloves, the risk inherent with the devices and the diseases they prevent, and other relevant considerations. After conducting this evaluation, FDA determined that surgeon's gloves and patient examination gloves met the reserved criteria and therefore remained subject to premarket notification.

FDA has issued an enforcement policy concerning these gloves in response to the COVID–19 public health emergency (PHE). However, this policy, which is limited in duration and scope, is fundamentally different from a determination that the gloves no longer meet the reserved criteria or otherwise no longer require a 510(k). Enforcement policies communicate an Agency's nonbinding views about how it should allocate its enforcement resources based on current facts and circumstances. Such policies do not alter the legal obligation to comply with the relevant requirements and do not preclude the Agency from taking action to enforce those requirements where appropriate. This particular enforcement policy was issued in response to a highly unusual set of facts and circumstances: The most sweeping PHE to occur in over a century. The public health threat posed by COVID–19, the disease caused by the SARS-CoV–2 virus, is substantial. Global demand for infection control measures has increased significantly and is a critical part of the response to the COVID–19 outbreak. FDA's March 2020 guidance entitled ''Enforcement Policy for Gown, Other Apparel, and Gloves During the Coronavirus Disease (COVID–19) Public Health Emergency'' (''Gloves PHE Guidance'') provides information, recommendations, and policies to help address the urgent need for appropriate clinical management and infection control and to help

expand the availability of surgical apparel for healthcare professionals during the COVID PHE (Ref. 8).

Specifically for gloves, the guidance explains that it should help expand the availability of certain gloves to help address the urgent public health concerns caused by shortages of such products by taking a risk-based approach to them. In issuing this policy, FDA sought to balance the various public health considerations related to the PHE and specifically limited the policy to the duration of the PHE. As part of this balancing, the Agency also limited the enforcement policy in scope. In the guidance, FDA stated its intention not to object to the distribution and use of certain patient examination gloves [1] and surgeon's gloves [2] that do not comply with the premarket notification requirements of section 510(k) where the products ''do not create an undue risk in light of the public health emergency.'' FDA then identified factors in determining whether such gloves could create undue risk, such as whether the gloves are labeled for use with chemotherapy drugs, fentanyl, and other opioids, use for allergy or dermatitis prevention, use for antimicrobial or antiviral protection, or use for infection prevention or reduction.

As with all FDA guidance, the Agency invited public comment at any time. FDA has not received any comments on the guidance that such gloves, rather than being subject to an enforcement policy, should be exempt from the premarket notification requirement because they do not meet the reserved criteria. More broadly, given the context in which the guidance was issued and the limitations in its scope and duration, this policy does not diminish the important legal and policy reasons for determining that surgeon's gloves and patient examination gloves are required to have a 510(k). If in March 2020 FDA had believed that the gloves no longer met the reserved criteria and thus were exempt under the statute, the Agency could have undertaken the process specified in 510(*l*)(2) of the FD&C Act; instead it chose an enforcement policy, which reflected FDA's careful balancing of the public-health considerations in response to the PHE.

[1] The policies in the Gloves PHE Guidance apply to those patient examination gloves with product codes FMC, LYY, LZA, LZB, LYZ, OIG, OPC, OPH, and LZC.

[2] The policies in the Gloves PHE Guidance apply to those surgeon's gloves with product codes KGO and OPA.

IV. Issues Raised by HHS's January 15, 2021, Notice

On January 15, 2021, HHS published a notice (''the January 15, 2021, Notice'' or ''Notice'') (86 FR 4088) determining that six types of reserved class I patient examination gloves with the product codes LYY, LYZ, OIG, OPC, OPH, and LZC, and one type of reserved class I surgeon's glove device with the product code OPA, no longer require a report under section 510(k) of the FD&C Act. We did not find any evidence that HHS consulted with, otherwise involved, or even notified FDA before issuing the Notice. The Notice explained that HHS based these exemption determinations on its conclusion that premarket notification is no longer required to provide reasonable assurance of the safety and effectiveness of these devices, which it in turn based solely on its evaluation of adverse events in FDA's Manufacturer and User Facility Device Experience database (MAUDE). HHS concluded that the fact that there were few if any (depending on the glove type) adverse events reported in MAUDE following FDA's issuance of its Gloves PHE Guidance meant that premarket notification is no longer required to provide a reasonable assurance of the safety and effectiveness of these devices. The January 15, 2021, Notice did not discuss any applicable limitations on the exemption for gloves, or even discuss whether it considered that issue.

HHS and FDA have now reexamined the January 15, 2021, Notice, including its class I exemption determinations, and believes it is appropriate to reverse these determinations. This reexamination was prompted primarily by two things. One is that certain staff and leadership in FDA's Center for Devices and Radiological Health that conduct regulatory oversight of personal protective equipment, including the types of gloves covered in the Notice, identified the flaws below and brought them to the Department's attention. The other is that HHS has received dozens of inquiries about the January 15, 2021, Notice, both formally through *https://www.regulations.gov* as well as directly to the contact listed in that Notice and to various FDA staff and FDA program email addresses.

Comments received regarding the seven types of gloves support HHS and FDA's position that these gloves remain subject to 510(k). Generally, comments received to date note the risk of leaching chemotherapy drugs, the risk of radiation exposure, and the importance of barrier protection from infection. One comment remarked on the unreliability of adverse event data alone. Further, the direct inquiries indicate a pattern of uncertainty about whether the class I devices described in the Notice are exempt. In addition, some commenters expressed confusion about the Notice, such as why the Notice discussed some, but not all, of the product codes for surgeon's gloves and patient examination gloves covered by the Gloves PHE Guidance. For example, some commenters asked whether this was intentional or inadvertent, finding no explanation in the Notice. Other inquiries asked whether, regardless of the Notice, FDA would review new 510(k) premarket notifications voluntarily submitted for such devices and/or whether FDA would continue its review of already-submitted premarket notifications. HHS and FDA believe that the determinations in the January 15, 2021, Notice lack adequate legal and scientific support, and that the Notice is otherwise flawed, for the reasons explained below.

First, the January 15, 2021, Notice neither discusses the reserved criteria nor explains how HHS came to determine the gloves no longer meet the reserved criteria; *i.e.,* that the gloves are not intended for a use that is of substantial importance in preventing impairment of human health, or do not present a potential unreasonable risk of illness or injury. The January 15, 2021, Notice contains no mention of or cite to this statutory standard, nor an explanation as to why it was left out. Moreover, even under the standard applied—''reasonable assurance of safety and effectiveness''—the Notice did not consider the gloves' effectiveness.

Second, as mentioned above, in evaluating a device to determine whether it is exempt, FDA has considered its experience in reviewing premarket notifications, focusing on the risk inherent with the device and the disease being treated or diagnosed, as well as other relevant considerations, including the history of adverse event reports for these products and their history of product recalls. The January 15, 2021, Notice, however, HHS relied solely upon adverse event reports in MAUDE as its basis for determining the products to be exempt from 510(k). Although adverse event reports are a valuable source of information, the reports have limitations, as noted in the January 15, 2021, Notice, including the potential submission of incomplete, inaccurate, untimely, unverified, or biased data. The incidence or prevalence of an event cannot be determined from adverse event reports alone, due to underreporting of events, inaccuracies in reports, lack of

verification that the device caused the reported event, and lack of information about frequency of device use. Adverse event data is not adequate on its own for assessing safety, let alone whether to determine a device to be exempt from 510(k). The Notice does not, for example, take into account FDA's experience in reviewing 510(k)s for these devices, which FDA typically does with a focus on the risk inherent with the device and the relevant disease(s) being treated or diagnosed, or the products' recall history. FDA recognized, in a previous regulatory action, that certain gloves may pose an unreasonable risk of illness or injury when it banned powdered surgeon's gloves and powdered patient examination gloves (see 81 FR 91722, December 19, 2016).

Further, even on its own terms, the adverse event information proffered to support the January 15, 2021, Notice has key limitations. For example, some subset of the gloves on the market following issuance of the Gloves PHE Guidance would have entered the market prior to issuance of the guidance and thus gone through 510(k) review. For that subset, there is no reason to anticipate any change in adverse event reports based on the guidance because they were cleared by FDA. The January 15, 2021, Notice assumes that new or modified gloves, which had never undergone 510(k) review, entered the market following the Gloves PHE Guidance in significant enough proportions that they would skew the adverse-event trends had 510(k) been necessary to assure safety and effectiveness. But the Notice does not explain the basis for this assumption. There is no indication the adverse event evaluation considered whether or how many new or changed gloves entered the market during this time that would justify the Notice's overall conclusions. In addition, the Notice did not explain why it was reasonable to draw conclusions based on adverse events for these products in such a narrow time period, which was from whenever any new or modified gloves started to be used after the March 30, 2020, guidance until November 30, 2020, which was the end of the adverse event review period. Likewise, the Notice did not address other potential data limitations, such as the likelihood that adverse event reporting has been more difficult during a public health emergency and thus may have been more limited than usual. FDA discussed the challenges of adverse event reporting during a pandemic in its guidance, issued in May 2020, entitled, ''Postmarketing Adverse Event Reporting for Medical Products and Dietary Supplements During a Pandemic.'' [3]

Finally, we did not find any evidence that HHS consulted with or otherwise involved FDA in its exemption determination or issuance of the Notice. Section 1003(d) of the FD&C Act (21 U.S.C. 393(d)) provides that the Secretary ''shall be responsible for executing'' the FD&C Act ''through the [FDA] Commissioner.'' Here, the Notice is clearly an action ''executing'' the FD&C Act. Moreover, it is particularly important that FDA have at least some level of involvement in this type of an action given the expertise needed to evaluate whether particular device types meet the reserved criteria.

In evaluating whether the gloves discussed in the January 15, 2021, Notice require a report under section 510(k) of the FD&C Act, the Department and FDA have considered regulated entities' reliance on the Notice. As an initial matter, HHS and FDA observe that, as described above, the Notice contained a number of flaws that have led to significant questions about the status of these devices. HHS and FDA have not only received over 60 inquiries about the Notice, reflecting a pattern of uncertainty, but have also received requests for review of 510(k) premarket notifications that have been voluntarily submitted for such devices. Based on these facts, HHS and FDA believe that only a limited subset of regulated entities may have placed legitimate reliance on the January 15, 2021, Notice. For any such entities, given the short time period between now and when the Notice was issued, HHS and FDA also believe that few (if any) long-term investments, contracts, or other significant business decisions relying on the Notice are likely to have been made. Furthermore, to the extent that any such decisions have been made, HHS and FDA strongly believe that those interests cannot outweigh the directive of the statute for FDA to review class I devices that meet the reserved criteria, and also cannot outweigh the public-health importance of conducting 510(k) review for these devices, for the reasons discussed in section III above. Elsewhere in this issue of the **Federal Register**, HHS and FDA are announcing the withdrawal of the proposed exemptions for the 83 class II devices and 1 unclassified device included in the January 15, 2021, Notice.

[3] Although January 15, 2021, Notice concluded that 510(k)s are no longer necessary for these devices ''[i]n view of the complete lack of or de minimis number of adverse events in MAUDE following [the March 2020 Gloves PHE Guidance],'' the adverse event tables in the Notice included adverse events going back to 2010. To the extent that the quantity of adverse events between 2010 and 2020 informed the conclusion in the Notice regarding the need for 510(k) for the class I gloves, the discussion in this paragraph would not apply. However, this would not impact our analysis of the other flaws in the Notice or our view that these gloves meet the reserved criteria.

V. Further Information for Regulated Entities

HHS and FDA are concerned about the public health risks posed by the January 15, 2021, Notice, particularly as the Notice applies to medical gloves that could pose undue risk as described in the Gloves PHE Guidance. HHS and FDA remind regulated entities that various requirements under the FD&C Act and FDA regulations apply to the class I medical gloves described in this notice, regardless of their status under section 510(k) and (*l*). For example, section 502(a) and (f)(1) of the FD&C Act prohibits device labeling that is false or misleading in any particular or that lacks adequate directions for use (21 U.S.C. 352(a) and (f)(1)). Section 201(n) of the FD&C Act provides that, in determining whether labeling is misleading, ''there shall be taken into account (among other things) not only representations made or suggested. . .but also the extent to which the labeling or advertising fails to reveal facts material in the light of such representations or material with respect to consequences which may result from the use of the article. . . .'' (21 U.S.C. 321(n)). FDA regulations further provide that ''[a]mong representations in the labeling of a device which render such device misbranded is a false or misleading representation with respect to another device or a drug or food or cosmetic'' (21 CFR 801.6). Regulated entities should bear in mind that device labeling that makes certain representations or fails to disclose certain information could misbrand the product in violation of the FD&C Act and FDA regulations. FDA emphasizes the importance of compliance with these requirements with respect to the gloves that are the subject of this notice. For more information concerning the labeling of class I medical gloves during the COVID–19 PHE, please see the Gloves PHE Guidance.

Furthermore, because of the potential risks posed by gloves that have not undergone FDA's premarket review, FDA intends to increase its surveillance of the seven types of gloves subject to the January 15, 2021, Notice, taking into account its enforcement policy in the Gloves PHE Guidance. This increased surveillance could, for example, include a labeling review and a physical examination to assess for physical

defects. Because we expect that most such gloves are imported, FDA's focus will be on products at the time of importation. We also draw your attention to the guidance from 2008 entitled ''Surveillance and Detention Without Physical Examination of Surgeons' and/or Patient Examination Gloves'', which also discusses the acceptable quality criteria defined in 21 CFR 800.20 for the importation of gloves (Ref. 9). Nothing in this Notice alters the legal obligation to comply with the relevant statutory requirements and does not preclude the Agency from taking action to enforce those requirements where appropriate.

If the gloves discussed in this notice meet the reserved criteria, such gloves require a 510(k). Following consideration of the comments, FDA intends to issue a future notice in the **Federal Register** containing its final determination concerning whether these seven types of gloves are reserved. Previously, during 510(k) review for these types of gloves, FDA has evaluated the dimensional and physical properties of the gloves, and nonclinical data regarding barrier performance, biocompatibility, and residual powders, among other information, to support the safety and effectiveness of the gloves for their intended use. FDA also evaluates the indications for use and labeling to ensure the devices are appropriately labeled, consistent with their intended use. For any gloves that are distributed after FDA issues its final determination, the Agency would consider and take appropriate enforcement action, taking into account the enforcement policy in the Gloves PHE Guidance.

VI. References

The following references marked with an asterisk (*) are on display at the Dockets Management Staff (see **ADDRESSES**) and are available for viewing by interested persons between 9 a.m. and 4 p.m., Monday through Friday; they also are available electronically at *https://www.regulations.gov.* References without asterisks are not on public display at *https://www.regulations.gov* because they have copyright restriction. Some may be available at the website address, if listed. References without asterisks are available for viewing only at the Dockets Management Staff. FDA has verified the website addresses, as of the date this document publishes in the **Federal Register**, but websites are subject to change over time.

1. Centers for Disease Control, ''Perspectives in Disease Prevention and Health Promotion Update: Universal Precautions for Prevention of Transmission of Human Immunodeficiency Virus, Hepatitis B Virus, and Other Bloodborne Pathogens in Health-Care Settings.'' *Morbidity and Mortality Weekly Report,* 1988; 37(25):377–388.
2. World Health Organization, ''Glove Use Information Leaflet.'' 2009. *https://www.who.int/gpsc/5may/Glove_Use_Information_Leaflet.pdf.*
3. Collins, A.S., ''Preventing Health Care-Associated Infections.'' In: Hughes, R.G., Ed. *Patient Safety and Quality: An Evidence-Based Handbook for Nurses.* Rockville (MD): Agency for Healthcare Research and Quality (U.S.); April 2008, chapter 41.
4. Alexander, J.W., J.S. Solanki, and M.J. Edwards, ''Updated Recommendations for Control of Surgical Site Infections,'' *Annals of Surgery,* 253(6):1082–1093, 2011.
5. Sugarbaker, P.H., ''Increased Safety of Surgical Glove Application: The Under/Over Method,'' *Annals of the Royal College of Surgeons of England,* 100(4):339–340, 2018.
6. Landeck, L., E. Gonzalez, and O.M. Koch, ''Handling Chemotherapy Drugs—Do Medical Gloves Really Protect?'' *International Journal of Cancer,* 137(8):1800–1805, 2015. doi: 10.1002/ijc.29058. Epub 2014 July 22. PMID: 24978061.
7. Nalin, M., G. Hug, E. Boeckmans, et al., ''Permeation Measurement of 27 Chemotherapy Drugs After Simulated Dynamic Testing on 15 Surgical and Examination Gloves: A Knowledge Update,'' *Journal of Oncology Pharmacy Practice,* 2020 August 26:1078155220950423. doi: 10.1177/1078155220950423. Epub ahead of print. PMID: 32847481.
8. *FDA Guidance for Industry and FDA Staff, ''Enforcement Policy for Gowns, Other Apparel, and Gloves During the Coronavirus Disease (COVID–19) Public Health Emergency,'' March 2020; available at *https://www.fda.gov/regulatory-information/search-fda-guidance-documents/enforcement-policy-gowns-other-apparel-and-gloves-during-coronavirus-disease-covid-19-public-health.*
9. *FDA Guidance for Industry and FDA Staff, ''Surveillance and Detention Without Physical Examination of Surgeons' and/or Patient Examination Gloves,'' July 2008; available at *https://www.fda.gov/regulatory-information/search-fda-guidance-documents/surveillance-and-detention-without-physical-examination-surgeons-and-or-patient-examination-gloves.*

Dated: April 12, 2021.

Janet Woodcock,

Acting Commissioner of Food and Drugs.

Dated: April 12, 2021.

Xavier Becerra,

Secretary, Department of Health and Human Services.

[FR Doc. 2021–07759 Filed 4–15–21; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2021–N–0275]

Morphine Milligram Equivalents: Current Applications and Knowledge Gaps, Research Opportunities, and Future Directions; Public Workshop; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public workshop; request for comments.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the following public workshop entitled ''Morphine Milligram Equivalents: Current Applications and Knowledge Gaps, Research Opportunities, and Future Directions.'' The purpose of the workshop is to bring stakeholders together to discuss the scientific basis of morphine milligram equivalents (MMEs) with the goals of providing an understanding of the science and data underlying existing MME calculations for opioid analgesics, discussing the gaps in these data, and discussing future directions to refine and improve the scientific basis of MME applications.

DATES: The public workshop will be held virtually and via webcast on June 7 and 8, 2021, from 9 a.m. to 5 p.m. Eastern Time each day. Submit either electronic or written comments on this public workshop by August 9, 2021. See the **SUPPLEMENTARY INFORMATION** section for registration date and information.

ADDRESSES: Please note that due to the impact of the COVID–19 pandemic, all meeting participants will be joining this public workshop via an online teleconferencing platform.

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 August 9, 2021. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of August 9, 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–2021–N–0275 for ''Morphine Milligram Equivalents: Current Applications and Knowledge Gaps, Research Opportunities, and Future Directions; Public Workshop; Request for Comments.'' 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 laws. 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: Kimberly Compton, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 3168, Silver Spring, MD 20993–0002, 301–796–1191, *kimberly.compton@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

Opioid analgesics vary in analgesic efficacy and potential for harm. MMEs or other similar conversion factors are used often to quantify potency across opioids, usually compared to oral morphine. MME tables were originally developed as an adjunct to clinical judgment to inform starting doses when switching patients between different opioid analgesics. However, MMEs are increasingly being used to indicate abuse and overdose potential and to set thresholds for prescribing and dispensing of opioid analgesics. FDA is convening this public workshop to discuss the current landscape and science underlying MMEs and their uses.

II. Topics for Discussion at the Public Workshop

This public workshop will provide: (1) An overview of the landscape of MMEs, starting with a historical perspective of how MMEs were originally developed and intended to be used; (2) the data informing published resources on MMEs; (3) the development and intended use of commonly-referenced sources, such as the Centers for Disease Control and Prevention's resources; (4) the current uses of MMEs and gaps in knowledge; and (5) future directions to refine and improve the scientific basis of MME applications.

III. Participating in the Public Workshop

Registration: To register for the public workshop, please visit the following website to register: *https://morphinemilligram equivalent.eventbrite.com*. Please provide complete contact information for each attendee, including name, title, affiliation, address, email, and telephone. Registration is free.

If you need special accommodations due to a disability, please contact Kimberly Compton (see **FOR FURTHER INFORMATION CONTACT**) no later than May 17, 2021.

Requests for Oral Presentations: During online registration you may indicate if you wish to present during the public comment session. Submit a brief statement of the topic you wish to address and the names and addresses of proposed participants. We will do our best to accommodate requests to make public comments. Individuals and organizations with common interests are urged to consolidate or coordinate their presentations and request time for a joint presentation. All requests to make oral presentations must be received by May 24, 2021. We will determine the amount of time allotted to each presenter and the approximate time each oral presentation is to begin and will select and notify participants by May 31, 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 public comment session, FDA may conduct a lottery to determine the speakers for the scheduled public comment session. If selected for presentation, any presentation materials must be emailed to Kimberly Compton (see **FOR FURTHER INFORMATION CONTACT**) no later than June 3, 2021. No commercial or promotional material

will be permitted to be presented or distributed at the public workshop.

Streaming Webcast of the Public Workshop: This public workshop will be webcast. Additional information will be made available regarding accessing the webcast before the public workshop at *https://morphinemilligram equivalent.eventbrite.com* and at *https://www.fda.gov/drugs/news-events-human-drugs/morphine-milligram-equivalents-current-applications-and-knowledge-gaps-research-opportunities-and*. All other meeting materials, including agenda, will be available before the workshop at *https://www.fda.gov/drugs/news-events-human-drugs/morphine-milligram-equivalents-current-applications-and-knowledge-gaps-research-opportunities-and*.

If you have never attended a Connect Pro event before, test your connection at *https://collaboration.fda.gov/common/help/en/support/meeting_test.htm*. To get a quick overview of the Connect Pro program, visit *https://www.adobe.com/go/connectpro_overview*. FDA has verified the website addresses in this document, as of the date this document publishes in the **Federal Register**, but websites are subject to change over time.

Transcripts: Please be advised that as soon as a transcript of the public workshop is available, it will be accessible at *https://www.regulations.gov*. It may be viewed at the Dockets Management Staff (see **ADDRESSES**). A link to the transcript will also be available on the internet at *https://www.fda.gov/drugs/news-events-human-drugs/morphine-milligram-equivalents-current-applications-and-knowledge-gaps-research-opportunities-and*.

Dated: April 12, 2021.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2021–07837 Filed 4–15–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2021–Z–0025]

Making Permanent Regulatory Flexibilities Provided During the COVID–19 Public Health Emergency by Exempting Certain Medical Devices From Premarket Notification Requirements; Withdrawal of Proposed Exemptions

AGENCY: Department of Health and Human Services (HHS), Food and Drug Administration (FDA).

ACTION: Notice of withdrawal.

SUMMARY: The Department of Health and Human Services (HHS or ''The Department'') issued a Notice in the **Federal Register** of January 15, 2021, that, among other things, proposed to exempt 83 class II devices and 1 unclassified device from premarket notification. This Notice announces HHS's and the Food and Drug Administration's (FDA or ''the Agency'') withdrawal of the proposed exemptions for the 83 class II devices and 1 unclassified device. The comment period for the proposed class II and unclassified device exemptions closed on March 15, 2021. HHS and FDA are withdrawing the proposed exemptions after reviewing the Notice, its comments, inquiries to FDA, and other relevant information, and determining that the proposed exemptions and bases for them are flawed.

DATES: The proposed exemptions of 83 class II devices and 1 unclassified device, published on January 15, 2021 (86 FR 4088), are withdrawn as of April 16, 2021.

FOR FURTHER INFORMATION CONTACT: Angela Krueger, Center for Devices and Radiological Health (CDRH), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 1660, Silver Spring, MD 20993, 301–796–6380, or by email at *RPG@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Under section 513 of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 360c), FDA must classify devices into one of three regulatory classes: Class I, class II, or class III. FDA classification of a device is determined by the amount of regulation necessary to provide a reasonable assurance of safety and effectiveness. Under the Medical Device Amendments of 1976 (''1976 amendments'') (Pub. L. 94–295), and the Safe Medical Devices Act of 1990 (Pub. L. 101–629), devices are classified into class I (''general controls'') if there is information showing that the general controls of the FD&C Act are sufficient to assure safety and effectiveness; into class II (''special controls''), if general controls, by themselves, are insufficient to provide reasonable assurance of safety and effectiveness, but there is sufficient information to establish special controls to provide such assurance; and into class III (premarket approval), if there is insufficient information to support classifying a device into class I or class II and the device is a life sustaining or life supporting device, or is for a use which is of substantial importance in preventing impairment of human health, or presents a potential unreasonable risk of illness or injury.

Most generic device types that were on the market before the date of the 1976 amendments (May 28, 1976) (generally referred to as ''preamendments devices'') have been classified by FDA under the procedures set forth in section 513(c) and (d) of the FD&C Act through the issuance of classification regulations into one of these three regulatory classes. Devices introduced into interstate commerce for the first time on or after May 28, 1976 (generally referred to as ''postamendments devices''), are generally classified through the premarket notification process under section 510(k) of the FD&C Act (21 U.S.C. 360(k)). Section 510(k) of the FD&C Act and the implementing regulations in 21 CFR part 807 require persons who intend to market a new device to submit a premarket notification (510(k)) containing information that allows FDA to determine whether the new device is ''substantially equivalent'' within the meaning of section 513(i) of the FD&C Act to a legally marketed device that does not require premarket approval.

Section 510(m)(2) of the FD&C Act allows FDA, on its own initiative or in response to an exemption petition, to issue in the **Federal Register** a notice of intent to exempt any type of class II device from the requirement to submit a report under section 510(k) of the FD&C Act, if the Agency determines that such a report is not necessary to assure the safety and effectiveness of the device. Section 510(m)(2) further provides that the public may comment on FDA's proposed exemptions for 60 days after publication in the **Federal Register** and that FDA shall issue an order setting forth the final determination within 120 days.

In addition, section 510(m)(1)(A) of the FD&C Act requires FDA to, within

90 days after enactment in December 2016 and at least once every 5 years, publish a list of each type of class II device that FDA determines no longer requires a report under section 510(k) to provide a reasonable assurance of safety and effectiveness, along with a public comment period of at least 60 days. Section 510(m)(3) provides that, upon publication of the final list in the **Federal Register**, each type of class II device listed shall be exempt from the requirement for a report under section 510(k), and the classification regulation applicable to each type of device shall be deemed amended to incorporate such exemption. In accordance with these statutory requirements, FDA published a notice of proposed class II exemptions in the **Federal Register** on March 14, 2017 (82 FR 13609), and a final list of its class II exemptions on July 11, 2017 (82 FR 31976).

II. Criteria for Exemption From Section 510(k) of the FD&C Act

Section 510(m)(2) of the FD&C Act permits FDA to exempt class II devices from the premarket notification requirements of section 510(k), where the Agency has determined that such notification is not necessary to assure the safety and effectiveness of the device. To make that determination, FDA considers a number of factors, which the Agency first described in the January 21, 1998, **Federal Register** notice (63 FR 3142), and explained in FDA's guidance issued on February 19, 1998, entitled ''Procedures for Class II Device Exemptions from Premarket Notification, Guidance for Industry and CDRH Staff'' (Class II 510(k) Exemption Guidance).[1] [2] As described in those documents, FDA generally considers the following factors to determine whether class II device types should be exempted from premarket notification: (1) The device does not have a significant history of false or misleading claims or of risks associated with inherent characteristics of the device; (2) characteristics of the device necessary for its safe and effective performance are well established; (3) changes in the device that could affect safety and effectiveness will either (a) be readily detectable by users by visual examination or other means such as routine testing, before causing harm, or (b) not materially increase the risk of injury, incorrect diagnosis, or ineffective treatment; and (4) any changes to the device would not be likely to result in a change in the device's classification.

FDA may also consider that, even when exempting devices, these devices will still be subject to the limitations on exemptions. After considering these factors, FDA determines whether specific device types are appropriate for exemption from section 510(k) because a report under section 510(k) is not necessary to assure the safety and effectiveness of the device. FDA has published several lists of class II device types exempted or proposed to be exempted from the premarket notification requirements of section 510(k), including on January 21, 1998 (63 FR 3142), March 14, 2017 (82 FR 13609), and July 11, 2017 (82 FR 31976). Since enactment of section 510(m) of the FD&C Act, each time that FDA has published a list of exemptions, it has reiterated the above criteria that it evaluates and has documented the determination that a 510(k) submission is not necessary to assure the safety and effectiveness of the device.

III. Limitations on Exemptions

Exemptions to the premarket notification requirements of 510(k) apply only to those devices that have existing or reasonably foreseeable characteristics of commercially distributed devices within that generic type. General limitations to exemptions for class II devices are set forth in each of the device classification regulations (§§ 862.9 through 892.9 (21 CFR 862.9 through 892.9)). Thus, a manufacturer of an exempted device is still required to submit a premarket notification before introducing a device or delivering it for introduction into commercial distribution when the device meets any of the conditions described in §§ 862.9 through 892.9.

In addition, FDA may also partially limit an exemption within a listed device type, taking into account the factors described in the Class II 510(k) Exemption Guidance. For example, although FDA has granted an exemption under 510(m)(2) to certain optical position/movement recording systems, it limits that exemption to devices for prescription use only (85 FR 44186, July 22, 2020). In those situations, FDA determined that premarket notification is necessary to provide a reasonable assurance of safety and effectiveness for a subset of those devices of the listed device type.

The exemption from the requirement of premarket notification does not mean that the device is exempt from any other statutory or regulatory requirements, unless such exemption is explicitly provided by order or regulation. FDA's determination that premarket notification is unnecessary to provide a reasonable assurance of safety and effectiveness for certain devices is based, in part, on the assurance of safety and effectiveness that other regulatory controls, such as current good manufacturing practice requirements, provide.

IV. FDA's Enforcement Policy During the Public Health Emergency

FDA has issued guidance documents related to the Coronavirus Disease 2019 (COVID–19) public health emergency (COVID–19 PHE), some of which set forth enforcement policies intended to help expand the availability of certain devices by providing regulatory flexibility for products that have already submitted premarket notification.[3] For each such enforcement policy, FDA has noted that it does not intend to object to certain modifications to these devices or their indications of use. For all of the guidance documents related to devices, FDA specifically limited the policies to the duration of the COVID–19 PHE.

In one such guidance, FDA's ''Enforcement Policy for Ventilators and Accessories and Other Respiratory Devices During the Coronavirus Disease 2019 (COVID–19) Public Health Emergency'' (Ventilator Guidance), FDA stated its intention not to object to limited modifications to the indications, claims, functionality, or to the hardware, software, or materials of class II FDA-cleared devices used to support patients with respiratory failure or respiratory insufficiency, without prior submission of a premarket notification under section 510(k), where the modification will not create an undue risk in light of the COVID–19 PHE.[4] In addition, FDA's Ventilator Guidance noted that FDA does not intend to object to changes in the indicated shelf life and duration of use of these products for treating individual patients, without

[1] On January 21, 1998, to comply with the requirements of the Food and Drug Administration Modernization Act of 1997, FDA published a list of class II devices exempt from premarket notification. After the 21st Century Cures Act went into effect, in compliance with the requirement of section 510(m)(1)(A), FDA published a notice of proposed class II device type exemptions in the **Federal Register** on March 14, 2017 (82 FR 13609), and a final list of its class II exemptions on July 11, 2017 (82 FR 31976).

[2] The guidance for industry and Center for Devices and Radiological Health (CDRH) is available at *https://www.fda.gov/files/medical%20devices/published/Procedures-for-Class-II-Device-Exemptions-from-Premarket-Notification--Guidance-for-Industry-and-CDRH-Staff-%28PDF-Version%29.pdf.*

[3] FDA's guidances related to the COVID–19 PHE are available at: *https://www.fda.gov/emergency-preparedness-and-response/coronavirus-disease-2019-covid-19/covid-19-related-guidance-documents-industry-fda-staff-and-other-stakeholders.*

[4] The policies set forth in the Ventilator Guidance apply to ventilators with the product codes CBK, MNT, NOU, NQY, MNS, ONZ, BTL, BSZ, BZD, NFB, NHJ, NHK, and QAV.

prior submission of a premarket notification under section 510(k) of the FD&C Act and 21 CFR 807.81, where the change does not create an undue risk in light of the COVID–19 PHE. FDA's Ventilator Guidance provided examples of circumstances where FDA currently believes these types of modifications would not create such an undue risk.

These enforcement policies are limited in scope and duration, and they communicate FDA's nonbinding views about how it should allocate its enforcement resources based on current facts and circumstances. Such policies do not alter the legal obligation to comply with the relevant requirements and do not preclude the Agency from taking action to enforce those requirements where appropriate. These particular enforcement policies were issued in response to a highly unusual set of facts and circumstances: The most sweeping PHE to occur in over a century. The public health threat caused by COVID–19, the disease caused by the SARS-CoV–2 virus, is substantial. Global demand for certain devices, such as ventilators, has increased significantly and is a critical part of the response to the COVID–19 outbreak. FDA's COVID–19 PHE guidance documents provide information, recommendations, and policies to help address the urgent need for certain devices and help expand the availability of those devices during the COVID–19 PHE.

V. The January 15, 2021, Notice and Reasons for Withdrawal

On January 15, 2021, HHS published a Notice (the ''January 15, 2021, Notice'') (86 FR 4088) proposing to exempt 83 class II device types and 1 unclassified device type from the 510(k) premarket notification requirements. We did not find any evidence that HHS consulted with, otherwise involved, or even notified FDA before issuing the Notice. Some of these proposed exemptions include device types that are indicated for a use in supporting or sustaining human life, such as product code NQY (''Ventilator, Continuous, Minimal Ventilatory Support, Home Use''). The determinations in the proposal were based solely on a tally of adverse events in FDA's Manufacturer and User Facility Device Experience database (MAUDE), and the conclusion was based on the number of adverse events MAUDE tabulated. The Notice stated that ''[g]iven the lack of any adverse event reports in MAUDE for [certain of the] class II and the unclassified medical devices . . . and the lack of non-death-related [sic] adverse event reports for [certain other] class II devices . . . the Department has determined that 510(k) premarket notification for the 84 [sic] class II devices and the unclassified device . . . is no longer necessary to assure the safety and effectiveness of those devices.'' (86 FR 4088 at 4096). The January 15, 2021, Notice did not identify any limitations on any of the 84 proposed exemptions, nor did it indicate that HHS considered whether any such limitations were appropriate.

Upon review, HHS and FDA have determined that the proposed exemptions in the January 15, 2021, Notice were published without adequate scientific support, that the Notice contained errors and ambiguities, and that the Notice is otherwise flawed, as described below. This review was prompted primarily by two things. One is that staff and leadership in FDA's Center for Devices and Radiological Health that conduct regulatory oversight of these products identified several issues described below and brought them to the Department's attention. The other is that HHS has received dozens of inquiries about the January 15, 2021, Notice, as part of comments on the Notice submitted to the docket as well as inquiries sent to the contact listed in that Notice, or to various FDA staff and FDA program email addresses. For example, there were many comments and inquiries asking about various potential errors and ambiguities, such as about mismatched product descriptions, product codes, and regulatory citations.

The January 15, 2021, Notice relied solely upon adverse event reports in MAUDE in determining that a 510(k) is no longer necessary to assure the safety and effectiveness of the devices. Although adverse event reports are a valuable source of information, the reports have limitations, as noted in the January 15, 2021, Notice, including the potential submission of incomplete, inaccurate, untimely, unverified, or biased data. In addition, the incidence or prevalence of an event cannot be determined from adverse event reports alone, due to underreporting of events, inaccuracies in reports, lack of verification that the device caused the reported event, and lack of information about frequency of device use. As noted by several commenters, reliance on adverse event reports in MAUDE is an inappropriate basis for exemption because, for example, adverse events may be underreported for certain devices, and a low number of reports in MAUDE may reflect the low number of marketed devices, and not necessarily the risk of injury. In addition, relying exclusively on MAUDE data leaves out other important information regarding risk. For example, FDA routinely considers recall information as part of its risk analyses, including for class II 510(k) exemptions.

Moreover, to exempt a device from 510(k) under the standard set forth in section 510(m)(2) of the FD&C Act, FDA must determine that a 510(k) submission is no longer necessary to assure the safety or effectiveness of the device. Not only is adverse event data inadequate on its own for assessing safety, it may provide little or no information about effectiveness, for purposes of proposing exemptions. As some comments noted, inaccurate readings from certain devices, including tonometers, electrocardiographs, electroencephalographs, seizure monitoring systems, vestibular analysis apparatus, or cerebral oximeters may contribute to erroneous clinical and surgical decisions, but may not be reflected in MAUDE.

To the extent adverse event data is a relevant factor in determining whether to exempt a class II device type from premarket notification, the January 15, 2021, Notice reflects an improperly narrow consideration of the adverse event data. The Notice proposed to exempt 50 class II device types based solely on a lack of death-related adverse event reports available in MAUDE for the time period searched, while failing to consider adverse event reports submitted under other event types, including ''injury'' and ''malfunction.'' In just one example, table 4.2 of the Notice states that for product code MOS (erroneously described as ''Implanted Subcutaneous Securement Catheter''), there were zero MAUDE reports submitted under ''death,'' but there were 73 other reports, including 13 submitted under ''malfunction'' and 52 under ''injury.'' While adverse event data should not provide the sole basis for an exemption, FDA has considered all adverse event data relevant to its determinations and has not limited its consideration to only those adverse event reports submitted under the ''death'' event type. This is because, for example, device malfunctions or injuries that do not result in death still inform whether a 510(k) submission is necessary to assure the safety or effectiveness of the device. In addition, the event types in MAUDE are supplied by the submitter, and thus death-related adverse events may be mistakenly submitted under other event types, such as ''Other,'' if any event type is specified at all.

In considering whether exemption from 510(k) is appropriate for class II device types, FDA has consistently taken into account both safety and

effectiveness, and considers the factors identified in the January 21, 1998, FR notice (63 FR 3142), and as explained in FDA's guidance ''Procedures for Class II Device Exemptions from Premarket Notification,'' including whether (1) the device has had a significant history of false or misleading claims or of risks associated with inherent characteristics of the device; (2) any device characteristics necessary for its safe and effective performance are well established; (3) any changes in the device that could affect safety and effectiveness will either (a) be readily detectable by users by visual examination or other means such as routine testing, before causing harm, or (b) not materially increase the risk of injury, incorrect diagnosis, or ineffective treatment; and (4) any changes to the device would not be likely to result in a change in the device's classification. These factors are relevant to understanding whether a premarket notification is necessary to assure the safety and effectiveness of a device. FDA has consistently used them since 1998, when section 510(m) was first enacted. However, these factors were not considered as part of the January 15, 2021, Notice. As mentioned above, the January 15, 2021, Notice only considered one piece of information—MAUDE data—which is a drastically narrower approach to the evaluation of whether a device should be exempt than the factors FDA has consistently considered.

It was also an error for HHS to propose to exempt the unclassified device type with product code LXV from the premarket notification requirements. Unclassified devices require submission of a 510(k) premarket notification. The January 15, 2021, Notice proposes to exempt this unclassified device type from 510(k) under the process and standard of 510(m). Section 510(m), however, provides only for the exemption of class II devices. Unclassified devices are not class II devices. Therefore, 510(m) does not provide the standard or process for exemption of unclassified devices. The January 15, 2021, Notice did not cite to any other statutory provision that authorizes the exemption of unclassified devices from 510(k).

As noted, the January 15, 2021, Notice contained numerous errors and ambiguities, such as mismatched product descriptions, product codes, and regulatory citations. For example, table 6 in the Notice lists the 84 devices it proposed to exempt. One entry gives the Device description as ''Oxygenator, Long Term Support Greater than 6 Hours,'' the Product code as ''BZG,'' and the section in 21 CFR as ''868.1840.'' The same table has a second listing for ''Oxygenator, Long Term Support Greater than 6 Hours,'' this one giving the Product code as ''FXY'' and the section in 21 CFR as ''878.4040.'' However, ''Oxygenator, Long Term Support Greater than 6 Hours'' is Product code BYS and is classified in 21 CFR 870.4100. These errors and ambiguities make it difficult or impossible in some circumstances to discern which class II devices the Notice is proposing to exempt, as noted by some commenters.

Finally, we did not find evidence that HHS consulted with or otherwise involved FDA in its proposed exemption or the issuance of the January 15, 2021, Notice. Section 1003(d) of the FD&C Act (21 U.S.C. 393(d)) provides that the Secretary ''shall be responsible for executing'' the FD&C Act ''through the [FDA] Commissioner.'' Here, the January 15, 2021, Notice is clearly an action ''executing'' the FD&C Act. Moreover, it is particularly important that FDA have at least some level of involvement in this type of an action given the expertise needed in evaluating whether a submission under 510(k) of the FD&C Act is necessary to assure the safety and effectiveness of a device.

For these reasons, HHS and FDA are withdrawing the proposed exemptions of the 83 class II devices and 1 unclassified device published on January 15, 2021, at 86 FR 4088. Elsewhere in this issue of the **Federal Register**, HHS and FDA are stating their belief that the class I devices that are the subject of the January 15, 2021, Notice meet the criteria for reserved class I devices and that it is appropriate to reverse the determination of exemption for those devices.

Dated: April 12, 2021.

Janet Woodcock,

Acting Commissioner of Food and Drugs.

Dated: April 12, 2021.

Xavier Becerra,

Secretary, Department of Health and Human Services.

[FR Doc. 2021–07760 Filed 4–15–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; R25 and Fellowship Application Review.

Date: April 26, 2021.

Time: 9:00 a.m. to 10:30 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: John F. Connaughton, Ph.D., Chief, Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7007, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7797, *connaughtonj@extra.niddk.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the urgent need to meet timing limitations imposed by the intramural research review cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: April 13, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–07888 Filed 4–15–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of meetings of the National Advisory Allergy and Infectious Diseases Council.

The meetings will be open to the public as indicated below. The open session will be videocast and can be accessed from the NIH Videocasting and

Podcasting website (*http://videocast.nih.gov*). Individuals who plan to attend and need special assistance, or reasonable accommodations should notify the Contact Person listed below in advance of the 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 grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Allergy and Infectious Diseases Council.

Date: June 7, 2021.

Open: 10:30 a.m. to 11:40 a.m.

Agenda: Report from the Institute Director.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room LD30, Bethesda, MD 20892 (Virtual Meeting).

Closed: 11:40 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room LD30, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Matthew J. Fenton, Ph.D., Director, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Rm. 4F50, Bethesda, MD 20892, 301–496–7291, *fentonm@niaid.nih.gov*.

Name of Committee: National Advisory Allergy and Infectious Diseases Council; Allergy, Immunology and Transplantation Subcommittee.

Date: June 7, 2021.

Closed: 8:30 a.m. to 10:15 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room LD30, Bethesda, MD 20892 (Virtual Meeting).

Open: 1:00 p.m. to adjournment.

Agenda: Reports from the Division Director and other staff.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room LD30, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Matthew J. Fenton, Ph.D., Director Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Rm. 4F50, Bethesda, MD 20892, 301–496–7291, *fentonm@niaid.nih.gov*.

Name of Committee: National Advisory Allergy and Infectious Diseases Council; Microbiology and Infectious Diseases Subcommittee.

Date: June 7, 2021.

Closed: 8:30 a.m. to 10:15 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room LD30, Bethesda, MD 20892 (Virtual Meeting).

Open: 1:00 p.m. to adjournment.

Agenda: Reports from the Division Director and other staff.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room LD30, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Matthew J. Fenton, Ph.D., Director Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health 5601, Fishers Lane, Rm. 4F50, Bethesda, MD 20892, 301–496–7291, *fentonm@niaid.nih.gov*.

Name of Committee: National Advisory Allergy and Infectious Diseases Council; Acquired Immunodeficiency Syndrome Subcommittee.

Date: June 7, 2021.

Closed: 8:30 a.m. to 10:15 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room LD30, Bethesda, MD 20892 (Virtual Meeting).

Open: 1:00 p.m. to adjournment.

Agenda: Program advisory discussion and reports from division staff.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room LD30, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Matthew J. Fenton, Ph.D., Director Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Rm. 4F50, Bethesda, MD 20892, 301–496–7291 *fentonm@niaid.nih.gov*.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *https://www.niaid.nih.gov,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: April 13, 2021.

Tyeshia M. Roberson,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–07890 Filed 4–15–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Initial Review Group; Epidemiology, Prevention and Behavior Research Review Subcommittee.

Date: May 24–25, 2021.

Time: 9:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute on Alcohol Abuse and Alcoholism, 6700B Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Anna Ghambaryan, M.D., Ph.D., Scientific Review Officer, Extramural Project Review Branch, Office of Extramural Activities, National Institute on Alcohol Abuse and Alcoholism, 6700B Rockledge Drive, Room 2120, MSC 6902, Bethesda, MD 20892, 301–443–4032, *anna.ghambaryan@nih.gov*.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Initial Review Group; Biomedical Research Review Subcommittee.

Date: June 8, 2021.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute on Alcohol Abuse and Alcoholism, 6700B Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Philippe Marmillot, Ph.D., Scientific Review Officer, Extramural Project Review Branch, National Institutes of Health, National Institute on Alcohol Abuse and Alcoholism, 6700B Rockledge Drive, Room 2118, MSC 6902, Bethesda, MD 20892, 301–443–2861, *marmillotp@mail.nih.gov*.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Initial Review Group; Clinical, Treatment and Health Services Research Review Subcommittee.

Date: June 16, 2021.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute on Alcohol Abuse and Alcoholism, 6700B Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Luis Espinoza, Ph.D., Scientific Review Officer, Extramural Project Review Branch, National Institute on Alcohol Abuse and Alcoholism, 6700B Rockledge Drive, Room 2109, Bethesda, MD 20817, (301) 443–8599, *espinozala@mail.nih.gov*.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel; ZAA1 GG (01) Panel for OCT Pilot- RFA AA 21–001.

Date: June 30, 2021.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute on Alcohol Abuse and Alcoholism, 6700B Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Luis Espinoza, Ph.D., Scientific Review Officer, Extramural Project Review Branch, Office of Extramural Activities, National Institute on Alcohol Abuse and Alcoholism, 6700B Rockledge Drive, Room 2109, Bethesda, MD 20892 (301) 443–8599, *espinozala@mail.nih.gov*.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism, Special Emphasis Panel; NIAAA Individual Fellowships (F30, F31, F32) Review Panel.

Date: July 7, 2021.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute on Alcohol Abuse and Alcoholism, 6700B Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Luis Espinoza, Ph.D., Scientific Review Officer, Extramural Project Review Branch, Office of Extramural Activities, National Institute on Alcohol Abuse and Alcoholism, 6700B Rockledge Drive, Room 2109, Bethesda, MD 20892, (301) 443–8599 *espinozala@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants; 93.701, ARRA Related Biomedical Research and Research Support Awards., National Institutes of Health, HHS)

Dated: April 13, 2021.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–07896 Filed 4–15–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Infectious Diseases and Immunology A Integrated Review Group; Pathogenic Eukaryotes Study Section.

Date: June 10–11, 2021.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Tera Bounds, DVM, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3198, MSC 7808, Bethesda, MD 20892, (301) 435–2306, *boundst@csr.nih.gov*.

Name of Committee: Infectious Diseases and Immunology A Integrated Review Group; Bacterial Pathogenesis Study Section.

Date: June 17–18, 2021.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Marci Scidmore, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3192, MSC 7808, Bethesda, MD 20892, (301) 435–1149, *marci.scidmore@nih.gov*.

Name of Committee: Oncology 1-Basic Translational Integrated Review Group; Cancer Molecular Pathobiology Study Section.

Date: June 21–22, 2021.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Manzoor Zarger, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6208, MSC 7804, Bethesda, MD 20892, (301) 435–2477, *zargerma@csr.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: April 13, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–07887 Filed 4–15–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Board of Scientific Counselors Chairs Meeting, Office of The Director, National Institutes of Health.

The meeting will be held as a virtual meeting and is open to the public as indicated below. Individuals who plan to view the virtual meeting and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: Board of Scientific Counselors, National Institutes of Health.

Date: May 14, 2021.

Time: 10:00 a.m. to 1:00 p.m., EST.

Agenda: The meeting will include a discussion of policies and procedures that apply to the regular review of NIH intramural scientists and their work.

Place: National Institutes of Health, 1 Center Drive, Building 1, Room 160, Bethesda, MD 20892 (Zoom Meeting).

This meeting is a virtual meeting via Zoom and can be accessed at: *https://nih.zoomgov.com/j/1600430833?pwd=S1h2WUFNdm5hVlRyOGdGM0IvK1RMZz09*.

Meeting ID: 160 043 0833
Passcode: 775160
Dial by your location
+1 669 254 5252 US (San Jose)
+1 646 828 7666 US (New York)
+1 669 216 1590 US (San Jose)
+1 551 285 1373 US
Join by SIP: 1600430833@sip.zoomgov.com

Contact Person: Margaret McBurney, Management Analyst, Office of the Deputy Director for Intramural Research, National Institutes of Health, 1 Center Drive, Room 160, Bethesda, MD 20892–0140, (301) 496–1921, *mmcburney@od.nih.gov*.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when

applicable, the business or professional affiliation of the interested person.

Information is also available on the Office of Intramural Research home page: *http://sourcebook.od.nih.gov/*.

Dated: April 12, 2021.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–07883 Filed 4–15–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the AIDS Research Advisory Committee, NIAID.

The meeting will be open to the public. The open session will be videocast and can be accessed from the NIH Videocasting and Podcasting website (*http://videocast.nih.gov*). Individuals who plan to attend and need special assistance, or reasonable accommodations should notify the Contact Person listed below in advance of the meeting.

Name of Committee: AIDS Research Advisory Committee, NIAID.

Date: June 7, 2021.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: Reports from the Division Director and Division staff.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room LD30, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Pamela Gilden, Branch Chief, Science Planning and Operations Branch, Division of AIDS, Room 8D49, National Institutes of Health/NIAID, 5601 Fishers Lane, MSC 9831, Rockville, MD 20852–9831, 301–594–9954, *pamela.gilden@nih.gov*.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: April 13, 2021.

Tyeshia M. Roberson,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–07891 Filed 4–15–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Advisory Mental Health Council.

The meeting will be held as a virtual meeting and is open to the public. Individuals who plan to view the virtual meeting and need special assistance or other reasonable accommodations to view the meeting, should notify the Contact Person listed below in advance of the meeting. The open session will be videocast and can be accessed from the NIH Videocasting and Podcasting website (*http://videocast.nih.gov/*).

A portion of this meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Mental Health Council.

Date: May 18–19, 2021.

Open: May 18, 2021, 12:00 p.m. to 4:30 p.m.

Agenda: Presentation of the NIMH Director's Report and discussion of NIMH program.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Closed: May 19, 2021, 12:00 p.m. to 12:30 p.m.

Agenda: To discuss recommendations for NIMH Intramural Research Program.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Closed: May 19, 2021, 12:45 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications and/or contract proposals.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Rebecca Wagenaar-Miller, Ph.D., Acting Deputy Director, Division of Extramural Activities, Division of Extramural Activities, National Institute of Mental Health, National Institutes of Health, NSC Bldg., 6001 Executive Blvd., Room 6160, Rockville, MD 20852, 301–435–0322, *rwagenaa@mail.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *www.nimh.nih.gov/about/advisory-boards-and-groups/namhc/index.shtml,* where an agenda and any additional information for the meeting will be posted when available. Open session will be videocast from this link: *https://videocast.nih.gov/watch=41802.*

(Catalogue of Federal Domestic Assistance Program No. 93.242, Mental Health Research Grants, National Institutes of Health, HHS)

Dated: April 13, 2021.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–07895 Filed 4–15–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Investigator Initiated Program Project Applications (P01 Clinical Trial Not Allowed).

Date: May 13, 2021.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases; National Institutes of Health, 5601 Fishers Lane, Room 3F52, Rockville, MD 20892, (Virtual Meeting).

Contact Person: Margaret A. Morris Fears, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3F52, Rockville, MD 20852, 301–761–5444, *maggie.morrisfears@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: April 13, 2021.

Tyeshia M. Roberson,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–07889 Filed 4–15–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Deafness and Other Communication Disorders Advisory Council.

This is a virtual meeting and will be open to the public as indicated below. The url link to this meeting is: *https://www.nidcd.nih.gov/about/advisory-council/upcoming-meetings.* The meeting is partially Closed to the public.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Deafness and Other Communication Disorders Advisory Council.

Date: May 20–21, 2021.

Closed: May 20, 2021, 10:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Open: May 20, 2021, 1:00 p.m. to 3:20 p.m.

Agenda: staff reports on divisional, programmatical, and special activities.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Open: May 21, 2021, 10:00 a.m. to 12:00 p.m.

Agenda: staff reports on divisional, programmatical, and special activities.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Craig A. Jordan, Ph.D., Director, Division of Extramural Activities, NIDCD, NIH, Room 8345, MSC 9670, 6001 Executive Blvd., Bethesda, MD 20892–9670, 301–496–8693, *jordanc@nidcd.nih.gov.*

Information is also available on the Institute's/Center's home page: *https://www.nidcd.nih.gov/about/advisory-council,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: April 13, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–07881 Filed 4–15–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB review; 30-Day Comment Request; Data and Specimen Hub (DASH) (Eunice Kennedy Shriver National Institute of Child Health and Human Development); Correction

AGENCY: National Institutes of Health, HHS.

ACTION: Notice; correction.

SUMMARY: The Department of Health and Human Services, National Institutes of Health published a Notice in the **Federal Register** on April 9, 2021. That Notice requires a correction in the **SUPPLEMENTARY INFORMATION** section.

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: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact: Regina Bures, Ph.D., Eunice Kennedy Shriver National Institute of Child Health and Human Development (NICHD), National Institutes of Health, 6710B Rockledge Drive, Room 2160, Bethesda, MD 20817, or call non-toll-free number (301) 496–9485 or Email your request, including your address to: *NICHD.DASH@mail.nih.gov.*

SUPPLEMENTARY INFORMATION:

Correction:

In the **Federal Register** of April 9, 2021, in FR Doc. 2021–07313, on page 18549, as found within the **SUPPLEMENTARY INFORMATION** section, within the Estimated Annualized Burden Hours table for the Frequency of Response per Respondent column total currently reads ''200'' and is corrected to read: ''480''.

Dated: April 12, 2021.

Jennifer M. Guimond,

Project Clearance Liaison, Eunice Kennedy Shriver National Institute of Child Health and Human Development, National Institutes of Health.

[FR Doc. 2021–07754 Filed 4–15–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel; Center of Biomedical Research Excellence (COBRE) Phase–1.

Date: June 22–23, 2021.

Time: 9:00 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Building, 45 Center Drive, Bethesda, MD 20892 (Video Meeting).

Contact Person: Sonia Ortiz-Miranda, Ph.D., Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3AN18, Bethesda, MD 20892, (301) 402–9448, *sonia.ortiz-miranda@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and

Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: April 13, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–07893 Filed 4–15–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: NIGMS Initial Review Group Training and Workforce Development Subcommittee; D Review of G–RISE and PREP Applications.

Date: June 17–18, 2021.

Time: 10:30 a.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Building, 45 Center Drive, Bethesda, MD 20892 (Video Meeting).

Contact Person: Tracy Koretsky, Ph.D., Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, MSC 6200, Room 3AN.12F, Bethesda, MD 20892, (301) 594 2886, *tracy.koretsky@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: April 13, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–07894 Filed 4–15–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel AREA/REAP: Cardiovascular and Respiratory Sciences.

Date: May 27, 2021.

Time: 1:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Xiang-Ning Li, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5112, MSC 7854, Bethesda, MD 20892, 301–435–1744 *lixiang@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel Small Business: Respiratory Sciences.

Date: June 10–11, 2021.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Xiang-Ning Li, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5112, MSC 7854, Bethesda, MD 20892, 301–435–1744, *lixiang@csr.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: April 13, 2021.

Tyeshia M. Roberson,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–07892 Filed 4–15–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4473–DR; Docket ID FEMA–2021–0001]

Puerto Rico; Amendment No. 9 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the Commonwealth of Puerto Rico (FEMA–4473–DR), dated January 16, 2020, and related determinations.

DATES: This amendment was issued March 25, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the Commonwealth of Puerto Rico is hereby amended to include the following area among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of January 16, 2020.

The Municipality of Rincón for Individual Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance

(Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07769 Filed 4–15–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4496–DR; Docket ID FEMA–2021–0001]

Massachusetts; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the Commonwealth of Massachusetts (FEMA–4496–DR), dated March 27, 2020, and related determinations.

DATES: This amendment was issued February 2, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the President's Memorandum to Extend Federal Support to Governors' Use of the National Guard to Respond to COVID–19 and to Increase Reimbursement and Other Assistance Provided to States, dated January 21, 2021 and the President's Memorandum on Maximizing Assistance from the Federal Emergency Management Agency, dated February 2, 2021 FEMA is amending the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the ''Stafford Act'') for all of the COVID–19 emergency and major disaster declarations. FEMA is amending this declaration as follows:

Federal funds for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program (Section 403) are authorized at 100 percent of total eligible costs for work performed from January 20, 2020 through September 30, 2021.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07877 Filed 4–15–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3555–EM; Docket ID FEMA–2021–0001]

Oklahoma; Emergency and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of an emergency for the State of Oklahoma (FEMA–3555–EM), dated February 17, 2021, and related determinations.

DATES: The declaration was issued February 17, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated February 17, 2021, the President issued an emergency declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the Stafford Act), as follows:

I have determined that the emergency conditions in the State of Oklahoma resulting from a severe winter storm beginning on February 8, 2021, and continuing, are of sufficient severity and magnitude to warrant an emergency declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (''the Stafford Act''). Therefore, I declare that such an emergency exists in the State of Oklahoma.

You are authorized to provide appropriate assistance for required emergency measures, authorized under Title V of the Stafford Act, to save lives and to protect property and public health and safety, and to lessen or avert the threat of a catastrophe in the designated areas. Specifically, you are authorized to provide assistance for emergency protective measures (Category B) for mass care and sheltering and direct Federal assistance under the Public Assistance program.

Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs. In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal emergency assistance and administrative expenses.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, Department of Homeland Security, under Executive Order 12148, as amended, Adam D. Burpee, of FEMA is appointed to act as the Federal Coordinating Officer for this declared emergency.

The following areas of the State of Oklahoma have been designated as adversely affected by this declared emergency:

Emergency protective measures (Category B) for mass care and sheltering and direct federal assistance under the Public Assistance program for all 77 counties in the State of Oklahoma.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07767 Filed 4–15–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4487–DR; Docket ID FEMA–2021–0001]

North Carolina; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of North Carolina (FEMA–4487–DR), dated March 25, 2020, and related determinations.

DATES: This amendment was issued February 2, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the President's Memorandum to Extend Federal Support to Governors' Use of the National Guard to Respond to COVID–19 and to Increase Reimbursement and Other Assistance Provided to States, dated January 21, 2021 and the President's Memorandum on Maximizing Assistance from the Federal Emergency Management Agency, dated February 2, 2021 FEMA is amending the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the ''Stafford Act'') for all of the COVID–19 emergency and major disaster declarations. FEMA is amending this declaration as follows:

Federal funds for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program (Section 403) are authorized at 100 percent of total eligible costs for work performed from January 20, 2020 through September 30, 2021.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07777 Filed 4–15–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4482–DR; Docket ID FEMA–2021–0001]

California; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of California (FEMA–4482–DR), dated March 22, 2020, and related determinations.

DATES: This amendment was issued February 2, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the President's Memorandum to Extend Federal Support to Governors' Use of the National Guard to Respond to COVID–19 and to Increase Reimbursement and Other Assistance Provided to States, dated January 21, 2021 and the President's Memorandum on Maximizing Assistance from the Federal Emergency Management Agency, dated February 2, 2021 FEMA is amending the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the ''Stafford Act'') for all of the COVID–19 emergency and major disaster declarations. FEMA is amending this declaration as follows:

Federal funds for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program (Section 403) are authorized at 100 percent of total eligible costs for work performed from January 20, 2020 through September 30, 2021.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07772 Filed 4–15–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4491–DR; Docket ID FEMA–2021–0001]

Maryland; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Maryland (FEMA–4491–DR), dated March 26, 2020, and related determinations.

DATES: This amendment was issued February 2, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the President's Memorandum to Extend Federal Support to Governors' Use of the National Guard to Respond to COVID–19 and to Increase Reimbursement and Other Assistance Provided to States, dated January 21, 2021 and the President's Memorandum on Maximizing Assistance from the Federal Emergency Management Agency, dated February 2, 2021 FEMA is amending the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the ''Stafford Act'') for all of

the COVID–19 emergency and major disaster declarations. FEMA is amending this declaration as follows:

Federal funds for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program (Section 403) are authorized at 100 percent of total eligible costs for work performed from January 20, 2020 through September 30, 2021.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07781 Filed 4–15–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4485–DR; Docket ID FEMA–2021–0001]

Texas; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Texas (FEMA–4485–DR), dated March 25, 2020, and related determinations.

DATES: This amendment was issued February 2, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the President's Memorandum to Extend Federal Support to Governors' Use of the National Guard to Respond to COVID–19 and to Increase Reimbursement and Other Assistance Provided to States, dated January 21, 2021 and the President's Memorandum on Maximizing Assistance from the Federal Emergency Management Agency, dated February 2, 2021 FEMA is amending the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the ''Stafford Act'') for all of the COVID–19 emergency and major disaster declarations. FEMA is amending this declaration as follows:

Federal funds for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program (Section 403) are authorized at 100 percent of total eligible costs for work performed from January 20, 2020 through September 30, 2021.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07775 Filed 4–15–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4481–DR; Docket ID FEMA–2021–0001]

Washington; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Washington (FEMA–4481–DR), dated March 22, 2020, and related determinations.

DATES: This amendment was issued February 2, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the President's Memorandum to Extend Federal Support to Governors' Use of the National Guard to Respond to COVID–19 and to Increase Reimbursement and Other Assistance Provided to States, dated January 21, 2021 and the President's Memorandum on Maximizing Assistance from the Federal Emergency Management Agency, dated February 2, 2021 FEMA is amending the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the ''Stafford Act'') for all of the COVID–19 emergency and major disaster declarations. FEMA is amending this declaration as follows:

Federal funds for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program (Section 403) are authorized at 100 percent of total eligible costs for work performed from January 20, 2020 through September 30, 2021.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07771 Filed 4–15–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4499–DR; Docket ID FEMA–2021–0001]

Oregon; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Oregon (FEMA–4499–DR), dated March 28, 2020, and related determinations.

DATES: This amendment was issued February 2, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the President's Memorandum to Extend Federal Support to Governors' Use of the National Guard to Respond to COVID–19 and to Increase Reimbursement and Other Assistance Provided to States, dated January 21, 2021 and the President's Memorandum on Maximizing Assistance from the Federal Emergency Management Agency, dated February 2, 2021 FEMA is amending the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the ''Stafford Act'') for all of the COVID–19 emergency and major disaster declarations. FEMA is amending this declaration as follows:

Federal funds for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program (Section 403) are authorized at 100 percent of total eligible costs for work performed from January 20, 2020 through September 30, 2021.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07875 Filed 4–15–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4489–DR; Docket ID FEMA–2021–0001]

Illinois; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Illinois (FEMA–4489–DR), dated March 26, 2020, and related determinations.

DATES: This amendment was issued February 2, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the President's Memorandum to Extend Federal Support to Governors' Use of the National Guard to Respond to COVID–19 and to Increase Reimbursement and Other Assistance Provided to States, dated January 21, 2021 and the President's Memorandum on Maximizing Assistance from the Federal Emergency Management Agency, dated February 2, 2021 FEMA is amending the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the ''Stafford Act'') for all of the COVID–19 emergency and major disaster declarations. FEMA is amending this declaration as follows:

Federal funds for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program (Section 403) are authorized at 100 percent of total eligible costs for work performed from January 20, 2020 through September 30, 2021.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07779 Filed 4–15–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4483–DR; Docket ID FEMA–2021–0001]

Iowa; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Iowa (FEMA–4483–DR), dated March 23, 2020, and related determinations.

DATES: This amendment was issued February 2, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the President's Memorandum to Extend Federal Support to Governors' Use of the National Guard to Respond to COVID–19 and to Increase Reimbursement and Other Assistance Provided to States, dated January 21, 2021 and the President's Memorandum on Maximizing Assistance from the Federal Emergency Management Agency, dated February 2, 2021 FEMA is amending the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the ''Stafford Act'') for all of

the COVID–19 emergency and major disaster declarations. FEMA is amending this declaration as follows:

Federal funds for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program (Section 403) are authorized at 100 percent of total eligible costs for work performed from January 20, 2020 through September 30, 2021.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07773 Filed 4–15–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3556–EM; Docket ID FEMA–2021–0001]

Louisiana; Emergency and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of an emergency for the State of Louisiana (FEMA–3556–EM), dated February 18, 2021, and related determinations.

DATES: The declaration was issued February 18, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated February 18, 2021, the President issued an emergency declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the Stafford Act), as follows:

I have determined that the emergency conditions in the State of Louisiana resulting from a severe winter storm beginning on February 11, 2021, and continuing, are of sufficient severity and magnitude to warrant an emergency declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (''the Stafford Act''). Therefore, I declare that such an emergency exists in the State of Louisiana.

You are authorized to provide appropriate assistance for required emergency measures, authorized under Title V of the Stafford Act, to save lives and to protect property and public health and safety, and to lessen or avert the threat of a catastrophe in the designated areas. Specifically, you are authorized to provide assistance for emergency protective measures (Category B) for mass care and sheltering and direct Federal assistance under the Public Assistance program.

Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs. In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal emergency assistance and administrative expenses.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, Department of Homeland Security, under Executive Order 12148, as amended, John E. Long, of FEMA is appointed to act as the Federal Coordinating Officer for this declared emergency.

The following areas of the State of Louisiana have been designated as adversely affected by this declared emergency:

Emergency protective measures (Category B) for mass care and sheltering and direct federal assistance under the Public Assistance program for all 64 parishes in the State of Louisiana.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07768 Filed 4–15–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4498–DR; Docket ID FEMA–2021–0001]

Colorado; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Colorado (FEMA–4498–DR), dated March 28, 2020, and related determinations.

DATES: This amendment was issued February 2, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the President's Memorandum to Extend Federal Support to Governors' Use of the National Guard to Respond to COVID–19 and to Increase Reimbursement and Other Assistance Provided to States, dated January 21, 2021 and the President's Memorandum on Maximizing Assistance from the Federal Emergency Management Agency, dated February 2, 2021 FEMA is amending the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the ''Stafford Act'') for all of the COVID–19 emergency and major disaster declarations. FEMA is amending this declaration as follows:

Federal funds for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program (Section 403) are authorized at 100 percent of total eligible costs for work performed from January 20, 2020 through September 30, 2021.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030,

Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07879 Filed 4–15–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4488–DR; Docket ID FEMA–2021–0001]

New Jersey; Amendment No. 4 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of New Jersey (FEMA–4488–DR), dated March 25, 2020, and related determinations.

DATES: This amendment was issued February 2, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the President's Memorandum to Extend Federal Support to Governors' Use of the National Guard to Respond to COVID–19 and to Increase Reimbursement and Other Assistance Provided to States, dated January 21, 2021 and the President's Memorandum on Maximizing Assistance from the Federal Emergency Management Agency, dated February 2, 2021 FEMA is amending the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the ''Stafford Act'') for all of the COVID–19 emergency and major disaster declarations. FEMA is amending this declaration as follows:

Federal funds for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program (Section 403) are authorized at 100 percent of total eligible costs for work performed from January 20, 2020 through September 30, 2021.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07778 Filed 4–15–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4495–DR; Docket ID FEMA–2021–0001]

Guam; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the territory of Guam (FEMA–4495–DR), dated March 27, 2020, and related determinations.

DATES: This amendment was issued February 2, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the President's Memorandum to Extend Federal Support to Governors' Use of the National Guard to Respond to COVID–19 and to Increase Reimbursement and Other Assistance Provided to States, dated January 21, 2021 and the President's Memorandum on Maximizing Assistance from the Federal Emergency Management Agency, dated February 2, 2021 FEMA is amending the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the ''Stafford Act'') for all of the COVID–19 emergency and major disaster declarations. FEMA is amending this declaration as follows:

Federal funds for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program (Section 403) are authorized at 100 percent of total eligible costs for work performed from January 20, 2020 through September 30, 2021.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07874 Filed 4–15–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4486–DR; Docket ID FEMA–2021–0001]

Florida; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Florida (FEMA–4486–DR), dated March 25, 2020, and related determinations.

DATES: This amendment was issued February 2, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the President's Memorandum to Extend Federal Support to Governors' Use of the National Guard to Respond to COVID–19 and to Increase Reimbursement and Other Assistance Provided to States, dated January 21, 2021 and the President's Memorandum on Maximizing Assistance from the Federal Emergency Management Agency, dated February 2, 2021 FEMA is amending the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the ''Stafford Act'') for all of the COVID–19 emergency and major disaster declarations. FEMA is amending this declaration as follows:

Federal funds for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program (Section 403) are authorized at 100 percent of total eligible costs for work performed from January 20, 2020 through September 30, 2021.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07776 Filed 4–15–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4492–DR; Docket ID FEMA–2021–0001]

South Carolina; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of South Carolina (FEMA–4492–DR), dated March 27, 2020, and related determinations.

DATES: This amendment was issued February 2, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the President's Memorandum to Extend Federal Support to Governors' Use of the National Guard to Respond to COVID–19 and to Increase Reimbursement and Other Assistance Provided to States, dated January 21, 2021 and the President's Memorandum on Maximizing Assistance from the Federal Emergency Management Agency, dated February 2, 2021 FEMA is amending the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the ''Stafford Act'') for all of the COVID–19 emergency and major disaster declarations. FEMA is amending this declaration as follows:

Federal funds for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program (Section 403) are authorized at 100 percent of total eligible costs for work performed from January 20, 2020 through September 30, 2021.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07782 Filed 4–15–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4497–DR; Docket ID FEMA–2021–0001]

Kentucky; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the Commonwealth of Kentucky (FEMA–4497–DR), dated March 28, 2020, and related determinations.

DATES: This amendment was issued February 2, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the President's Memorandum to Extend Federal Support to Governors' Use of the National Guard to Respond to COVID–19 and to Increase Reimbursement and Other Assistance Provided to States, dated January 21, 2021 and the President's Memorandum on Maximizing Assistance from the Federal Emergency Management Agency, dated February 2, 2021 FEMA is amending the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the ''Stafford Act'') for all of the COVID–19 emergency and major disaster declarations. FEMA is amending this declaration as follows:

Federal funds for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program (Section 403) are authorized at 100 percent of total eligible costs for work performed from January 20, 2020 through September 30, 2021.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used

for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07878 Filed 4–15–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4493–DR; Docket ID FEMA–2021–0001]

Puerto Rico; Amendment No. 5 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the Commonwealth of Puerto Rico (FEMA–4493–DR), dated March 27, 2020, and related determinations.

DATES: This amendment was issued February 2, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the President's Memorandum to Extend Federal Support to Governors' Use of the National Guard to Respond to COVID–19 and to Increase Reimbursement and Other Assistance Provided to States, dated January 21, 2021 and the President's Memorandum on Maximizing Assistance from the Federal Emergency Management Agency, dated February 2, 2021 FEMA is amending the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the ''Stafford Act'') for all of the COVID–19 emergency and major disaster declarations. FEMA is amending this declaration as follows:

Federal funds for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program (Section 403) are authorized at 100 percent of total eligible costs for work performed from January 20, 2020 through September 30, 2021.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07783 Filed 4–15–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2007–0008]

National Advisory Council; Meeting

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

ACTION: Committee management; notice of open Federal Advisory Committee meeting.

SUMMARY: The Federal Emergency Management Agency's National Advisory Council (NAC) will meet May 4 and 6, 2021. The meeting will be open to the public through virtual means.

DATES: The NAC will meet virtually between 12:45 p.m. and 5 p.m. Eastern Time (ET) on Tuesday, May 4, 2021 and Thursday, May 6, 2021. Please note that the meeting may close early if the NAC has completed its business.

ADDRESSES: The NAC will only meet virtually. Anyone who wishes to participate must register with FEMA in advance by providing their name, official title, organization, telephone number, and email address to the person listed in the **FOR FURTHER INFORMATION CONTACT** caption below by 5 p.m. ET Friday, April 30, 2021. Members of the public are invited to provide written comments on the issues to be considered by the NAC. The topic areas are indicated in the **SUPPLEMENTARY INFORMATION** caption below. Any written comments must be submitted and received by 5 p.m. ET on April 30, 2021, identified by Docket ID FEMA–2007–0008, and submitted by the following method: Federal eRulemaking Portal at *http://www.regulations.gov*. Follow the instructions for submitting comments.

Instructions for Submitting Comments: All submissions must include the words ''Federal Emergency Management Agency'' and the docket number (Docket ID FEMA–2007–0008) for this action. Comments received, including any personal information provided, will be posted without alteration at *http://www.regulations.gov*. For access to the docket or to read comments received by the NAC, go to *http://www.regulations.gov,* and search for Docket ID FEMA–2007–0008.

Public comment periods will be held on Tuesday, May 4, 2021, from 12:45 p.m. to 12:55 p.m.; and Thursday, May 6, 2021 from 12:45 p.m. to 12:55 p.m. ET. All speakers must register in advance of the meeting to make remarks during the public comment period and must limit their comments to three minutes. Comments should be addressed to the NAC. Any comments not related to the agenda topics will not be considered. To register to make remarks during the public comment period, contact the person listed in **FOR FURTHER INFORMATION CONTACT** below by 5 p.m. ET, Friday, April 30, 2021. Please note that the public comment period may end before the time indicated, following the last call for comments.

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

FOR FURTHER INFORMATION CONTACT: Jasper Cooke, Designated Federal Officer, Office of the National Advisory Council, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472–3184, telephone (202) 646–2700, and email *FEMA-NAC@fema.dhs.gov*. The NAC website is *http://www.fema.gov/national-advisory-council*.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal

Advisory Committee Act, 5 U.S.C. Appendix.

The NAC advises the FEMA Administrator on all aspects of emergency management. The NAC incorporates input from State, local, Tribal, and territorial governments, and the private sector in the development and revision of FEMA plans and strategies. The NAC includes a cross-section of officials, emergency managers, and emergency response providers from State, local, Tribal, and territorial governments, the private sector, and nongovernmental organizations.

Agenda: On Tuesday, May 4, 2021, NAC subcommittees will present to the full NAC their information gathering on current priorities up to this point in the year. Topical experts will present on matters of current and future concern. On Thursday, May 6, 2021, the NAC will receive feedback and discuss strategic priorities with FEMA leadership.

The full agenda and any related documents for this meeting will be available by Friday, April 30, 2021, by contacting the person listed in **FOR FURTHER INFORMATION CONTACT** above.

Bob Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07825 Filed 4–15–21; 8:45 am]

BILLING CODE 9111–48–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4494–DR; Docket ID FEMA–2021–0001]

Michigan; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Michigan (FEMA–4494–DR), dated March 27, 2020, and related determinations.

DATES: This amendment was issued February 2, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the President's Memorandum to Extend Federal Support to Governors' Use of the National Guard to Respond to COVID–19 and to Increase Reimbursement and Other Assistance Provided to States, dated January 21, 2021 and the President's Memorandum on Maximizing Assistance from the Federal Emergency Management Agency, dated February 2, 2021 FEMA is amending the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the ''Stafford Act'') for all of the COVID–19 emergency and major disaster declarations. FEMA is amending this declaration as follows:

Federal funds for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program (Section 403) are authorized at 100 percent of total eligible costs for work performed from January 20, 2020 through September 30, 2021.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07784 Filed 4–15–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4490–DR; Docket ID FEMA–2021–0001]

Missouri; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Missouri (FEMA–4490–DR), dated March 26, 2020, and related determinations.

DATES: This amendment was issued February 2, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the President's Memorandum to Extend Federal Support to Governors' Use of the National Guard to Respond to COVID–19 and to Increase Reimbursement and Other Assistance Provided to States, dated January 21, 2021 and the President's Memorandum on Maximizing Assistance from the Federal Emergency Management Agency, dated February 2, 2021 FEMA is amending the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the ''Stafford Act'') for all of the COVID–19 emergency and major disaster declarations. FEMA is amending this declaration as follows:

Federal funds for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program (Section 403) are authorized at 100 percent of total eligible costs for work performed from January 20, 2020 through September 30, 2021.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07780 Filed 4–15–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4480–DR; Docket ID FEMA–2021–0001]

New York; Amendment No. 4 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of New York (FEMA–4480–DR), dated March 20, 2020, and related determinations.

DATES: This amendment was issued February 2, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the President's Memorandum to Extend Federal Support to Governors' Use of the National Guard to Respond to COVID–19 and to Increase Reimbursement and Other Assistance Provided to States, dated January 21, 2021 and the President's Memorandum on Maximizing Assistance from the Federal Emergency Management Agency, dated February 2, 2021 FEMA is amending the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the ''Stafford Act'') for all of the COVID–19 emergency and major disaster declarations. FEMA is amending this declaration as follows:

Federal funds for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program (Section 403) are authorized at 100 percent of total eligible costs for work performed from January 20, 2020 through September 30, 2021.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07770 Filed 4–15–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4484–DR; Docket ID FEMA–2021–0001]

Louisiana; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Louisiana (FEMA–4484–DR), dated March 24, 2020, and related determinations.

DATES: This amendment was issued February 2, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the President's Memorandum to Extend Federal Support to Governors' Use of the National Guard to Respond to COVID–19 and to Increase Reimbursement and Other Assistance Provided to States, dated January 21, 2021 and the President's Memorandum on Maximizing Assistance from the Federal Emergency Management Agency, dated February 2, 2021 FEMA is amending the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the ''Stafford Act'') for all of the COVID–19 emergency and major disaster declarations. FEMA is amending this declaration as follows:

Federal funds for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program (Section 403) are authorized at 100 percent of total eligible costs for work performed from January 20, 2020 through September 30, 2021.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07774 Filed 4–15–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[212A2100DD/AAKC001030/A0A501010.999900253G]

Bureau of Indian Education Waiver of State Assessments for 2020–2021 School Year

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Tribal consultation and public meetings.

SUMMARY: The Bureau of Indian Education (BIE) is considering requesting from the U.S. Department of Education (ED) a waiver of assessment requirements for the 2020–2021 School Year (SY) for the protection of the health and safety or students, staff, and their communities, which have been impacted by the COVID–19 pandemic. BIE's implementing regulations of the Elementary and Secondary Education Act of 1965 (ESEA) require BIE to administer unified assessments each SY.

DATES: Tribal consultation sessions will be held from 3 p.m. to 4 p.m. Eastern Time (ET), and public meetings will be held from 4 p.m. to 5 p.m. ET on May 4 and 5, 2021. Written comments must be received by 11:59 p.m. ET, May 7, 2021.

ADDRESSES: Please register in advance for each session using the following link: *https://www.zoomgov.com/meeting/register/vJItcumgqjMvH9cg5ttOrsDY0KmZB1IuLJQ.*

You will receive a confirmation email upon registration with directions for joining. Written comments may be emailed to *consultation@bia.gov.*

FOR FURTHER INFORMATION CONTACT: Dr. Tamarah Pfeiffer, Chief Academic Officer, Bureau of Indian Education; fax: (505) 563–3043 or email *Tamarah.Pfeiffer@bie.edu.*

SUPPLEMENTARY INFORMATION: The BIE is seeking Tribal input and public stakeholder input on whether to request from the U.S. Department of Education (ED) a waiver of BIE's unified assessments for the 2020–2021 School Year (SY). BIE's implementing regulations of the Elementary and Secondary Education Act of 1965 (ESEA), Public Law 89–10, as amended, require BIE to administer unified assessments each SY. Additionally, BIE is requesting recommendations regarding using U.S. Department of Education's assessment administration flexibilities issued on February 22, 2021. Should BIE extend testing into the summer or fall 2021 and/or shorten tests so that there is a less of an impact on instruction. The justifications for the requests include the need to protect the health and safety of the students, families, staff and Tribal communities.

BIE has invited Tribes by letter. BIE also welcomes input from families of students at BIE schools and other stakeholders. Please see the information in the **DATES** and **ADDRESSES** section of this notice for information on the public sessions and directions on joining.

Bryan Newland,

Principal Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 2021–07847 Filed 4–15–21; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[212.LLAK941000 L14100000.ET0000; F–86061, F–16298, F–16299, F–16301, AA–61299, F–16304, F–85667, AA–61005, F–86064, F–85702, AA–66614]

Extension of the Opening Order in Public Land Order No. 7899 and Addressing Pending Public Land Orders in Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Amended opening order.

SUMMARY: For orderly management of the public lands subject to Public Land Order (PLO) 7899, published on Jan. 19, 2021 and extended by 60 days on Feb. 18, 2021, the lands described therein shall not be opened until April 16, 2023. This notice also clarifies that the BLM has not published opening orders for PLOs 7900, 7901, 7902, and 7903 and therefore they have no effective date. These Orders will be included in the process described below for PLO 7899.

DATE: This Order takes effect on April 16, 2021.

FOR FURTHER INFORMATION CONTACT: David V. Mushovic, Bureau of Land Management (BLM) Alaska State Office, 222 West Seventh Avenue, Mailstop #13, Anchorage, AK 99513–7504; telephone: 907–271–4682; or email: *dmushovi@blm.gov.* People who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact Mr. Mushovic during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: PLO 7899 was signed on Jan. 11, 2021, and published in the **Federal Register** on Jan. 19, 2021. The opening order was extended by 60 days on Feb. 18, 2021, for the orderly management of the public lands. PLOs 7900, 7901, 7902, and 7903 were signed on Jan. 15 and 16, 2021, but have not been published in the **Federal Register** and therefore do not have an opening date. After signature of these PLOs in January 2021, the BLM identified defects in the PLOs, including, but not limited to: Failure to secure consent from the Department of Defense with regard to lands withdrawn for defense purposes as required by Section 204(i) of the Federal Land Policy and Management Act (FLPMA) (43 U.S.C. 1714(i)); insufficient analysis under the National Environmental Policy Act, including failure to adequately analyze potential impacts on subsistence hunting and fishing, and reliance on outdated data in environmental impact statements prepared in 2006 and 2007; failure to comply with Section 106 of the National Historic Preservation Act; and possible failure to adequately evaluate impacts under Section 7 of the Endangered Species Act. During the two-year period after publication of this **Federal Register** Notice, the BLM will address comments, undertake additional analysis, complete necessary consultation, and correct defects in the PLOs. The BLM will publish a notice of intent to begin this process within 60 days of the publication of this notice.

For the orderly administration of the public lands and in accordance with 43 CFR 2091.6, this Order amends the opening order contained in Paragraph 3 of PLO 7899 (86 FR 5236) as follows:

At 8 a.m. Alaska Time on April 16, 2023, the lands described in paragraph 1 of PLO 7899, (86 FR 5236) shall be open to all forms of appropriation under the general public land laws, including location and entry under the mining laws, leasing under the Mineral Leasing Act of February 25, 1920, as amended, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. All valid applications received at or prior to 8 a.m. Alaska Time on April 16, 2023, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. Appropriation of any of the lands referenced in Paragraph 1 of PLO 7899, (86 FR 5236) under the general mining laws prior to the date and time of revocation remain unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38, shall vest no rights against the United States. State law governs acts required to establish a location and to initiate a right of possession where not in conflict with Federal law. The BLM will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

Laura Daniel-Davis,

Principal Deputy Assistant Secretary, Land and Minerals Management.

[FR Doc. 2021–07794 Filed 4–15–21; 8:45 am]

BILLING CODE 4310–JA–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#-31751; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting electronic comments on the significance of properties nominated before April 3, 2021, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted electronically by May 3, 2021.

ADDRESSES: Comments are encouraged to be submitted electronically to *National_Register_Submissions@nps.gov* with the subject line ''Public Comment on <property or proposed district name, (County) State≤.'' If you have no access to email you may send them via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service,

1849 C Street NW, MS 7228, Washington, DC 20240.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before April 3, 2021. Pursuant to Section 60.13 of 36 CFR part 60, comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

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.

Nominations submitted by State or Tribal Historic Preservation Officers:

NEW YORK

New York County

Women's Liberation Center, 243 West 20th St., New York, SG100006509

SOUTH CAROLINA

Beaufort County

Fort Fremont Battery (Boundary Increase) (Historic Resources of St. Helena Island c. 1740–c. 1935 MPS), 181 Bay Point Rd., St. Helena Island, BC100006498

Greenville County

Poe Hardware and Supply Company, 556 Perry Ave., Greenville, SG100006507

Richland County

Beverly Apartments, 1525 Bull St., Columbia, SG100006506

VIRGINIA

Bath County

Reveille, 437 Quarry Hill Dr., Hot Springs vicinity, SG100006499

Henry County

John Redd Smith Elementary School, 40 School Dr., Collinsville, SG100006500

Norfolk Independent City

Cruser Place Historic District, Granby, Llewellyn, 39th and 38th Sts., Delaware, Pennsylvania, Maryland, and LaValette Aves., Norfolk, SG100006501

WEST VIRGINIA

Jefferson County

Spring Grove, 2497 Smith Rd., Charles Town vicinity, SG100006504

WISCONSIN

Chippewa County

West Hill Residential Historic District, Generally bounded by Coleman, Superior, Central, Governor, and Dover Sts., Chippewa Falls, SG100006503

Winnebago County

St. Mary's Catholic Church Complex, 605, 619 Merritt Ave., 442 Monroe St., Oshkosh, SG100006505

Additional documentation has been received for the following resource:

SOUTH CAROLINA

Beaufort County

Fort Fremont Battery (Additional Documentation) (Historic Resources of St. Helena Island c. 1740–c. 1935 MPS), 181 Bay Point Rd., St. Helena Island, AD88001821

Nomination submitted by Federal Preservation Officer:

The State Historic Preservation Officer reviewed the following nomination and responded to the Federal Preservation Officer within 45 days of receipt of the nomination and supports listing the properties in the National Register of Historic Places.

NEW JERSEY

Ocean County

Old Coast Guard Station Manasquan Inlet, (U.S. Government Lifesaving Stations MPS), 40 Inlet Dr., Point Pleasant Beach, MP100006508

Authority: Section 60.13 of 36 CFR part 60.

Dated: April 7, 2021.

Sherry A. Frear,

Chief, National Register of Historic Places/National Historic Landmarks Program.

[FR Doc. 2021–07757 Filed 4–15–21; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

Office of Natural Resources Revenue

[Docket No. ONRR–2011–0025; DS63644000 DR2000000.CH7000 212D1113RT, OMB Control Number 1012–0003]

Agency Information Collection Activities: 30 CFR Parts 1227, 1228, and 1229, Delegated and Cooperative Activities With States and Indian Tribes

AGENCY: Office of Natural Resources Revenue (''ONRR''), Interior.

ACTION: Notice of Information Collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (''PRA''), ONRR is proposing to renew an information collection. Currently, the information collection is authorized by the Office of Management and Budget (''OMB'') under OMB Control Number 1012–0003, which expires on December 31, 2021. ONRR uses the information collected under this Information Collection Request (''ICR'') both to review and approve delegation proposals from a State that is seeking to perform royalty management functions and to prepare a cooperative agreement with a State or Indian tribe seeking to perform royalty audits and investigations.

DATES: Interested persons are invited to submit comments on or before June 15, 2021.

ADDRESSES: All comment submissions must (1) reference ''OMB Control Number 1012–0003'' in the subject line; (2) be sent to ONRR before the close of the comment period listed under **DATES**; and (3) be sent through one of the following two methods:

- *Electronically via the Federal eRulemaking Portal:* Please visit *https://www.regulations.gov.* In the Search Box, enter the Docket ID Number for this ICR renewal (''ONRR–2011–0025'') and click ''search'' to view the publications associated with the docket folder. Locate the document with an open comment period and click the ''Comment Now!'' button. Follow the prompts to submit your comment prior to the close of the comment period.
- *Email Submissions:* For comments sent via email, please address them to *ONRR_RegulationsMailbox@onrr.gov* with the OMB Control Number (''OMB Control Number 1012–0003'') listed in the subject line of your email. Email submissions must be postmarked on or before the close of the comment period.

Docket: To access the docket folder to view the ICR **Federal Register** publications, go to *https://www.regulations.gov* and search ''ONRR–2011–0025'' to view renewal notices recently published in the **Federal Register**, publications associated with prior renewals, and applicable public comments received for this ICR. ONRR will make the comments submitted in response to this notice available for public viewing at *https://www.regulations.gov.*

OMB ICR Data: You may also view information collection review data for this ICR, including past OMB approvals, at *https://www.reginfo.gov/public/do/PRASearch.* Under the ''OMB Control Number'' heading enter ''1012–0003'' and click the ''Search'' button located at the bottom of the page. To view the ICR renewal or OMB approval status, click on the latest entry (based on the most recent date). On the ''View ICR—OIRA Conclusion'' page, check the box next to

''All'' to display all available ICR information provided by OMB.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, please contact Mr. Peter Hanley, State and Tribal Royalty Audit Committee, ONRR, by telephone at (303) 231–3721 or by email to *Peter.Hanley@onrr.gov.* Individuals who are hearing or speech impaired may call the Federal Relay Service at 1–800–877–8339 for TTY assistance.

SUPPLEMENTARY INFORMATION: Pursuant to the PRA, 44 U.S.C. 3501, *et seq.,* and 5 CFR 1320.5, all information collections, as defined in 5 CFR 1320.3, require approval by OMB. ONRR 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 ONRR's continuing effort to reduce paperwork and respondent burdens, ONRR is inviting the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information in accordance with the PRA and 5 CFR 1320.8(d)(1). This helps ONRR to assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand ONRR's information collection requirements and provide the requested data in the desired format.

ONRR is especially interested in public comments 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 ONRR's 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. ONRR will include or summarize each comment in its 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, ONRR cannot guarantee that it will be able to do so.

Abstract: The Secretary of the United States Department of the Interior (''Secretary'') is responsible for mineral resource development on Federal and Indian lands and the Outer Continental Shelf. Laws pertaining to Federal and Indian mineral leases are posted at *http://www.onrr.gov/Laws_R_D/PubLaws/default.htm.* Pursuant to the Federal Oil and Gas Royalty Management Act of 1982 (''FOGRMA'') and other laws, the Secretary's responsibilities include maintaining a comprehensive inspection, collection, and fiscal and production accounting and auditing system that: (1) Accurately determines mineral royalties, interest, and other payments owed, (2) collects and accounts for such amounts in a timely manner, and (3) disburses the funds collected. *See* 30 U.S.C. 1701 and 1711. ONRR performs these royalty and revenue management responsibilities for the Secretary. *See* Secretarial Order No. 3306.

(a) *General Information:* Congress enacted FOGRMA, in part, ''to effectively utilize the capabilities of the States and Indian Tribes in developing and maintaining an efficient and effective Federal royalty management system.'' 30 U.S.C. 1701(b)(5). Relevant to this ICR, FOGRMA provides the Secretary with authority to: (1) Review and approve delegation proposals from states seeking to perform royalty management functions, and (2) prepare a cooperative agreement with a State or Indian tribe seeking to perform royalty audits. 30 U.S.C. 1732 and 1735. Under 30 U.S.C. 1735, the Secretary can delegate all or part of the authority and responsibility to: ''(1) conduct inspections, audits, and investigations; (2) receive and process production and financial reports; (3) correct erroneous reporting data; (4) perform automated verification; and (5) issue demands, subpoenas, and orders to perform restructured accounting, for royalty management enforcement purposes . . . to any State with respect to all Federal land within the State.'' 30 U.S.C. 1735(a)(1)–(5). Through cooperative agreements, entered into pursuant to 30 U.S.C. 1732, oil or gas royalty management information is shared, and a State or Indian tribe is able to carry out certain inspection, auditing, investigation, or limited enforcement activities in cooperation with the Secretary. A number of States and Indian tribes are working partners with ONRR and an integral part of the overall onshore and offshore compliance effort. Through the Appropriations Act of 1992 (Pub. L. 102–154), codified at 30 U.S.C. 196, the Secretary's authority for oil and gas leases was extended to other energy and mineral leases, including coal, geothermal steam, and leases subject to 43 U.S.C. 1337(g) of the Outer Continental Shelf Lands Act (''OCSLA'') as discussed further below.

(b) *Information Collections:* This ICR covers the paperwork requirements under 30 CFR parts 1227, 1228, and 1229. This collection of information is necessary in order for States and Indian Tribes to conduct audits and related investigations of Federal and Indian oil, gas, coal, other solid minerals, and geothermal royalty revenues from Federal and Tribal leased lands. ONRR uses the information collected to: (1) Review and approve delegation proposals from States seeking to perform royalty management functions, and (2) prepare a cooperative agreement with a State or Indian tribe seeking to perform royalty audits. The requirements of 30 CFR parts 1227, 1228, and 1229 are:

(1) 30 CFR part 1227—Delegation to States. Part 1227 governs the delegation of certain Federal royalty management functions to a State under 30 U.S.C. 1735, for Federal oil and gas leases covering Federal lands within the State. This part also governs the delegation of audit and investigative functions to a State for Federal geothermal leases or solid mineral leases covering Federal lands within the State (30 U.S.C. 196), or leases covering lands offshore of the State subject to section 8(g) of the OCSLA (43 U.S.C. 1337(g)). To be considered for such delegation, a State must submit a written proposal to ONRR, which ONRR must approve. Following the delegation process, 30 CFR part 1227 outlines State responsibilities, compensation, performance reviews, and the process for terminating a delegation.

(2) 30 CFR part 1228—Cooperative Activities with States and Indian Tribes. FOGRMA (30 U.S.C. 1732) authorizes the Secretary to enter into a cooperative agreement with a State or Indian tribe to share oil and gas royalty management information, and to carry out inspection, audit, investigation, and enforcement activities on Federal and Indian lands. Federal regulations, at 30 CFR part 1228, implement this provision and set forth the requirements and procedures for entering into a cooperative agreement, the terms of such agreements, and subsequent

responsibilities that must be carried out under the cooperative agreement. Through the Secretary's delegation of the authority contained in 30 CFR 1228.5(a), a State or Indian tribe may enter into a cooperative agreement with ONRR's Director to carry out audits and related investigations of their respective leased lands. To enter into a cooperative agreement, a State or Indian tribe must submit a written proposal to ONRR. The proposal must outline the activities that the State or Indian tribe will undertake and must present evidence that the State or Indian tribe can meet the standards of the Secretary to conduct these activities. The State or Indian tribe also must submit an annual work plan and budget, as well as quarterly reimbursement vouchers.

(3) 30 CFR part 1229—Delegation to States. Part 1229 governs delegations to a State to conduct audits and related investigations for Federal lands within the State, and for Indian lands for which the State has received permission from the respective Indian tribes or allottees to carry out audit activities delegated to the State under 30 U.S.C. 1735. 30 CFR 1229.4. Under Part 1229, the State must receive the Secretary's delegation of authority and submit annual audit work plans detailing its audits and related investigations, annual budgets, and quarterly reimbursement vouchers. The State also must maintain records.

Title of Collection: 30 CFR parts 1227, 1228, and 1229, Delegated and Cooperative Activities with States and Indian tribes.

OMB Control Number: 1012–0003.

Bureau Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: States and Indian tribes.

Total Estimated Number of Annual Respondents: 9 States and 6 Indian respondents.

Total Estimated Number of Annual Responses: 449.

Estimated Completion Time per Response: 26.40 hrs.

Total Estimated Number of Annual Burden Hours: 11,851 hours.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: Annual.

Total Estimated Annual Non-Hour Burden Cost: ONRR identified no ''non-hour cost'' burden associated with this collection of information.

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 PRA (44 U.S.C. 3501, *et seq.*).

Kimbra G. Davis,

Director for the Office of Natural Resources Revenue.

[FR Doc. 2021–07885 Filed 4–15–21; 8:45 am]

BILLING CODE 4335–30–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–665 and 731–TA–1557 (Preliminary)]

Certain Mobile Access Equipment and Subassemblies Thereof From China 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 there is a reasonable indication that an industry in the United States is materially injured by reason of imports of certain mobile access equipment and subassemblies thereof (''mobile access equipment'') from China, provided for in subheadings 8427.10.80, 8427.20.80, 8427.90.00, and 8431.20.00 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (''LTFV'') and to be subsidized by the government of China.[2]

Commencement of Final Phase Investigations

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigations. The Commission will issue a final phase notice of scheduling, which will be published in the **Federal Register** as provided in § 207.21 of the Commission's rules, upon notice from the U.S. Department of Commerce (''Commerce'') of affirmative preliminary determinations in the investigations under §§ 703(b) or 733(b) of the Act, or, if the preliminary determinations are negative, upon notice of affirmative final determinations in those investigations under §§ 705(a) or 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigations need not enter a separate appearance for the final phase of the investigations. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

Background

On February 26, 2021, the Coalition of American Manufacturers of Mobile Access Equipment (''CAMMAE'' or ''the Coalition'') [3] filed petitions with the Commission and Commerce, alleging that an industry in the United States is materially injured and threatened with material injury by reason of subsidized and LTFV imports of certain mobile access equipment from China. Accordingly, effective February 26, 2021, the Commission instituted countervailing duty investigation No. 701–TA–665 and antidumping duty investigation No. 731–TA–1557 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference 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 March 4, 2021 (86 FR 12711). In light of the restrictions on access to the Commission building due to the COVID–19 pandemic, the Commission conducted its conference through written testimony and video conference on March 19, 2021. All persons who requested the opportunity were permitted to participate.

The Commission made these determinations pursuant to §§ 703(a) and 733(a) of the Act (19 U.S.C. 1671b(a) and 1673b(a)). It completed and filed its determinations in these investigations on April 12, 2021. The views of the Commission are contained in USITC Publication 5186 (April 2021), entitled *Certain Mobile Access Equipment and Subassemblies Thereof from China: Investigation Nos. 701–TA–665 and 731–TA–1557 (Preliminary).*

By order of the Commission.

Issued: April 12, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–07789 Filed 4–15–21; 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 15905 and 86 FR 15922 (March 25, 2021).

[3] The Coalition is composed of JLG Industries, Inc. (''JLG''), Hagerstown, Maryland and Terex Corporation (''Terex''), Redmond, Washington.

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–652 and 731–TA–1524–1525 (Final)]

Silicon Metal From Bosnia and Herzegovina, Iceland, and Kazakhstan; 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 silicon metal, provided for in subheadings 2804.69.10 and 2804.69.50 of the Harmonized Tariff Schedule of the United States, from Bosnia and Herzegovina and from Iceland, that have been found by the U.S. Department of Commerce (''Commerce'') to be sold in the United States at less than fair value (''LTFV''), and from Kazakhstan, that have been found by Commerce to be subsidized by the Government of Kazakhstan.[2]

Background

The Commission instituted these investigations effective June 30, 2020, following receipt of petitions filed with the Commission and Commerce by Globe Specialty Metal, Inc., Beverly, Ohio and Mississippi Silicon, LLC, Burnsville, Mississippi. The final phase of the investigations was scheduled by the Commission following notification of preliminary determinations by Commerce that imports of silicon metal from Kazakhstan were subsidized within the meaning of section 703(b) of the Act (19 U.S.C. 1671b(b)) and that imports of silicon metal from Bosnia and Herzegovina and Iceland were being sold at LTFV within the meaning of 733(b) of the Act (19 U.S.C. 1673b(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** on December 30, 2020 (85 FR 86578). 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 22, 2021. All persons who requested the opportunity were permitted to participate.

The Commission made these determinations pursuant to §§ 705(b) and 735(b) of the Act (19 U.S.C. 1671d(b) and 19 U.S.C. 1673d(b)). It completed and filed its determinations in these investigations on April 12, 2021. The views of the Commission are contained in USITC Publication 5180 (April 2021), entitled *Silicon Metal from Bosnia and Herzegovina, Iceland, and Kazakhstan: Investigation Nos. 701–TA–652 and 731–TA–1524–1525 (Final).*

By order of the Commission.

Issued: April 12, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–07796 Filed 4–15–21; 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] The Commission also finds that imports subject to Commerce's affirmative critical circumstances determination are not likely to undermine seriously the remedial effect of the antidumping duty order on silicon metal from Iceland.

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–660–661 and 731–TA–1543–1545 (Final)]

Utility Scale Wind Towers From India, Malaysia, and Spain; Scheduling of the Final Phase of Countervailing Duty and Antidumping Duty Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of the final phase of antidumping and countervailing duty investigation Nos. 701–TA–660–661 and 731–TA–1543–1545 (Final) pursuant to the Tariff Act of 1930 (''the Act'') to determine whether an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of utility scale wind towers from India, Malaysia, and Spain, provided for in subheadings 7308.20.00 and 8502.31.00 of the Harmonized Tariff Schedule of the United States, preliminarily determined by the Department of Commerce (''Commerce'') to be sold at less-than-fair-value and subsidized by the Governments of India and Malaysia.

DATES: March 19, 2021.

FOR FURTHER INFORMATION CONTACT: Julie Duffy ((202) 708–2579), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION: *Scope.*— For purposes of these investigations, Commerce has defined the subject merchandise as certain wind towers, whether or not tapered, and sections thereof. Certain wind towers support the nacelle and rotor blades in a wind turbine with a minimum rated electrical power generation capacity in excess of 100 kilowatts and with a minimum height of 50 meters measured from the base of the tower to the bottom of the nacelle (*i.e.,* where the top of the tower and nacelle are joined) when fully assembled.

A wind tower section consists of, at a minimum, multiple steel plates rolled into cylindrical or conical shapes and welded together (or otherwise attached) to form a steel shell, regardless of coating, end-finish, painting, treatment, or method of manufacture, and with or without flanges, doors, or internal or external components (*e.g.,* flooring/decking, ladders, lifts, electrical buss boxes, electrical cabling, conduit, cable harness for nacelle generator, interior lighting, tool and storage lockers) attached to the wind tower section. Several wind tower sections are normally required to form a completed wind tower.

Wind towers and sections thereof are included within the scope whether or not they are joined with nonsubject merchandise, such as nacelles or rotor blades, and whether or not they have internal or external components attached to the subject merchandise.

Specifically excluded from the scope are nacelles and rotor blades, regardless of whether they are attached to the wind tower. Also excluded are any internal or external components which are not attached to the wind towers or sections thereof, unless those components are shipped with the tower sections.

Merchandise covered by these orders is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under subheading 7308.20.0020 or 8502.31.0000. Wind towers of iron or steel are classified under HTSUS

7308.20.0020 when imported separately as a tower or tower section(s). Wind towers may be classified under HTSUS 8502.31.0000 when imported as combination goods with a wind turbine (*i.e.,* accompanying nacelles and/or rotor blades). While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of these orders is dispositive.

Background.—The final phase of these investigations is being scheduled pursuant to sections 705(b) and 731(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b) and 1673d(b)), as a result of affirmative preliminary determinations by Commerce that imports of utility scale wind towers from India, Malaysia, and Spain are being sold in the United States at less than fair value within the meaning of § 733 of the Act (19 U.S.C. 1673b) and that certain benefits which constitute subsidies within the meaning of § 703 of the Act (19 U.S.C. 1671b) are being provided to manufacturers, producers, or exporters in India and Malaysia. The investigations were requested in petitions filed on September 30, 2020, by the Wind Tower Trade Coalition (Arcosa Wind Towers Inc., Dallas, Texas; and Broadwind Towers, Inc., Manitowoc, Wisconsin).

For further information concerning the conduct of this phase of the investigations, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

Participation in the investigations and public service list.—Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the final phase of these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules, no later than 21 days prior to the hearing date specified in this notice. A party that filed a notice of appearance during the preliminary phase of the investigations need not file an additional notice of appearance during this final phase. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov.*) No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in the final phase of these investigations available to authorized applicants under the APO issued in the investigations, provided that the application is made no later than 21 days prior to the hearing date specified in this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the investigations. A party granted access to BPI in the preliminary phase of the investigations need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff report.—The prehearing staff report in the final phase of these investigations will be placed in the nonpublic record on May 27, 2021, and a public version will be issued thereafter, pursuant to § 207.22 of the Commission's rules.

Hearing.—The Commission will hold a hearing in connection with the final phase of these investigations beginning at 9:30 a.m. on June 10, 2021. Information about the place and form of the hearing, including about how to participate in and/or view the hearing, will be posted on the Commission's website at *https://www.usitc.gov/calendarpad/calendar.html.* Interested parties should check the Commission's website periodically for updates. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before June 4, 2021. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on June 9, 2021. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), and 207.24 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 business days prior to the date of the hearing.

Written submissions.—Each party who is an interested party shall submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of § 207.23 of the Commission's rules; the deadline for filing is June 4, 2021. Parties may also file written testimony in connection with their presentation at the hearing, as provided in § 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of § 207.25 of the Commission's rules. The deadline for filing posthearing briefs is June 17, 2021. In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject of the investigations, including statements of support or opposition to the petition, on or before June 17, 2021. On June 29, 2021, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before July 1, 2021, but such final comments must not contain new factual information and must otherwise comply with § 207.30 of the Commission's rules. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures,* available on the Commission's website at *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's procedures with respect to filings.

Additional written submissions to the Commission, including requests pursuant to § 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with §§ 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.21 of the Commission's rules.

By order of the Commission.

Issued: April 13, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–07900 Filed 4–15–21; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1190]

Certain Wearable Monitoring Devices, Systems, and Components Thereof; Commission Determination To Review in Part a Final Initial Determination Finding No Violation of Section 337; Affirmance of a Finding of No Violation of Section 337; Termination of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review in part a final initial determination (''ID'') of the presiding administrative law judge (''ALJ'') finding no violation of section 337. On review, the Commission has determined to affirm the final ID's finding of no violation of section 337. The investigation is terminated.

FOR FURTHER INFORMATION CONTACT: Clint Gerdine, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708–2310. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal, telephone 202–205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on January 15, 2020, based on a complaint filed on behalf of Philips North America, LLC of Andover, Massachusetts and Koninklijke Philips N.V. of Eindhoven, Netherlands (collectively, ''Complainants''). 85 FR 2440–41 (Jan. 15, 2020). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain wearable monitoring devices, systems, and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 7,845,228 (''the '228 patent''); 9,820,698 (''the '698 patent''); 9,717,464 (''the '464 patent''); and 9,961,186 (''the '186 patent''). The Commission's notice of investigation named the following Respondents: Fitbit, Inc. (''Fitbit'') of San Francisco, California; Garmin International, Inc. and Garmin USA, Inc., both of Olathe, Kansas (''the domestic Garmin Respondents''); Garmin Ltd. d/b/a Garmin Switzerland GmbH of Schaffhausen, Switzerland; Ingram Micro Inc. of Irvine, California; Maintek Computer (Suzhou) Co., Ltd. of Jiangsu Province, China; and Inventec Appliances (Pudong) of Shanghai, China (collectively, ''Respondents''). The Office of Unfair Import Investigations (''OUII'') is participating in the investigation. The '186 patent was previously terminated from the investigation. Order No. 25 (July 17, 2020), *unreviewed by* Comm'n Notice (Aug. 4, 2020).

On February 4, 2021, the ALJ issued the final ID finding no violation of section 337 as to the two patents involved in the evidentiary hearing, the '228 and '464 patents. (Regarding the '698 patent, s*ee* Order. No. 35 (discussed below)). With respect to the '228 patent, the ID finds that: (1) None of Respondents' accused products infringe asserted claim 2 of the '228 patent; (2) claim 2 of the '228 patent is invalid as anticipated under 35 U.S.C. 102 by the asserted prior art (U.S. Patent No. 6,077,236); (3) claim 2 of the '228 patent is directed to patent-ineligible subject matter under 35 U.S.C. 101; (4) claim 2 of the '228 patent is not anticipated under 35 U.S.C. 102, or rendered obvious under 35 U.S.C. 103, by any other asserted prior art; (5) claim 2 of the '228 patent is not unenforceable based on patent exhaustion; and (6) Philips has satisfied the domestic industry requirement with respect to the '228 patent.

With respect to the '464 patent, the ID finds that: (1) None of Respondents' accused products infringe asserted claims 1 and 6 of the '464 patent; (2) claims 1 and 6 of the '464 patent are directed to patent-ineligible subject matter under 35 U.S.C. 101; (3) claims 1 and 6 of the '464 patent are not anticipated under 35 U.S.C. 102 and they are not rendered obvious under 35 U.S.C. 103; and (4) claims 1 and 6 of the '464 patent are not invalid based on improper inventorship under 35 U.S.C. 115(a) or 116(a); (5) Philips has not satisfied the technical prong of the domestic industry requirement with respect to the '464 patent; and (6) Philips has satisfied the economic prong of the domestic industry requirement by showing that a domestic industry is in the process of being established.

In the Recommended Determination, the ALJ recommends that if the Commission finds a violation it should issue a limited exclusion order directed to Respondents' infringing products and a cease and desist order directed to the domestic Garmin respondents and Fitbit.

On February 16, 2021, Philips petitioned, OUII petitioned and contingently petitioned, and Respondents contingently petitioned for review of certain aspects of the final ID. On February 24, 2021, Philips, OUII, and Respondents each responded to the other parties' petitions for review.

The Commission received no public interest comments from the public in response to the **Federal Register** notice seeking comment on the public interest. 86 FR 9085–86 (Feb. 11, 2021). On March 8, 2021, Respondents submitted public interest comments pursuant to Commission Rule 210.50(a)(4). No other party submitted public interest comments.

The Commission has determined to review the final ID in part. Specifically, the Commission has determined to review: (1) The ID's construction of the term ''monitor'' recited in claim 2 of the '228 patent; (2) the ID's finding of non-infringement for claim 2 of the '228 patent; (3) the ID's finding that Philips has satisfied the domestic industry requirement with respect to the '228 patent; (4) the ID's finding that claim 2 of the '228 patent is not unenforceable based on patent exhaustion; and (5) the ID's finding, with respect to the '464 patent, that Philips has satisfied the economic prong of the domestic industry requirement by showing that a domestic industry is in the process of being established. The Commission has determined not to review the remainder of the final ID.

On review, the Commission has determined to: (1) Construe the term ''monitor'' recited in claim 2 of the '228 patent to mean ''receive and track''; (2) affirm, with modified reasoning, the ID's finding that the accused products practice the ''monitor [ ] the sensor signals discontinuously in time'' limitation recited in claim 2; and (3) reverse the ID's finding that the accused products do not practice the ''monitor the sensor signals in turn'' limitation recited in claim 2. Accordingly, the Commission finds that the accused

products infringe claim 2 of the '228 patent. The Commission has also determined to reverse the ID's finding that Philips' BX–100 Biosensor Device does not practice all limitations of the '228 patent, and therefore finds that Philips satisfies the technical prong of the domestic industry requirement with respect to this patent. The Commission takes no position on the ID's finding that claim 2 of the '228 patent is not unenforceable based on patent exhaustion. With respect to the '464 patent, the Commission has determined to take no position on the ID's analysis and finding regarding an industry in the process of being established, and therefore takes no position on whether Philips has met the economic prong requirement.

Accordingly, as the Commission does not disturb the ID's other findings with respect to the '228 and '464 patents, the Commission has determined to affirm the final ID's finding of no violation of section 337 with respect to these two patents.

The Commission previously determined to review two IDs the ALJ issued on October 1, 2020: (1) Order No. 34 granting Philips' motion for partial summary determination that complainants satisfied the economic prong of the domestic industry requirement as to the BX–100 Biosensor Device with respect to the '228 patent; and (2) Order No. 35 granting Respondents' motion for summary determination that Respondents' accused products do not infringe (i) asserted claims 1 and 6 of the '698 patent, and (ii) asserted claims 1 and 6 of the '464 patent with respect to the accused heart rate monitoring functionalities. Comm'n Notice (Nov. 16, 2020). On review of the first ID (Order No. 34), the Commission has determined to take no position on the ID's finding that Philips has satisfied the economic prong of the domestic industry requirement by showing that a domestic industry is in the process of being established. The Commission has determined to affirm the finding in Order No. 34 that an industry exists in the United States as to the BX–100 Biosensor Device with respect to the '228 patent. The Commission has also determined to affirm the findings in the second ID (Order No. 35) of non-infringement with respect to the '698 patent, and non-infringement with respect to the '464 patent for the heart rate monitoring functionalities in the accused Fitbit and Garmin devices. The '698 patent therefore is terminated from the investigation with a finding of no violation of section 337.

The investigation is terminated.

The Commission vote for this determination took place on April 12, 2021.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in part 210 of the Commission's Rules of Practice and Procedure, 19 CFR part 210.

By order of the Commission.

Issued: April 12, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–07797 Filed 4–15–21; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1175]

Certain Bone Cements and Bone Cement Accessories; Commission Determination To Review in Part a Final Initial Determination Finding No Violation of Section 337; Schedule for Filing Written Submissions on the Issues Under Review and on Remedy, Public Interest, and Bonding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (''Commission'') has determined to review in part a final initial determination (''FID'') of the presiding administrative law judge (''ALJ'') finding no violation of section 337 of the Tariff Act of 1930, as amended, in the above-captioned investigation. The Commission requests briefing from the parties on certain issues under review, as indicated in this notice. The Commission also requests briefing from the parties, interested government agencies, and interested persons on the issues of remedy, the public interest, and bonding.

FOR FURTHER INFORMATION CONTACT: Lynde Herzbach, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–3228. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal, telephone 202–205–1810.

SUPPLEMENTARY INFORMATION: On September 23, 2019, the Commission instituted this investigation based on a complaint filed on behalf of Zimmer, Inc. and Zimmer US, Inc. both of Warsaw, Indiana (collectively, ''Complainants''). 84 FR 49764 (Sept. 23, 2019). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (''section 337''), based on the importation into the United States, the sale for importation, and the sale within the United States after importation of certain bone cements and bone cement accessories by reason of the misappropriation of trade secrets, false advertising, and tortious interference, the threat or effect of which is to destroy or substantially injure an industry in the United States. The complaint also alleges the existence of a domestic industry. The Commission's notice of investigation names the following as respondents: Heraeus Medical GmbH of Wehrheim, Germany and Heraeus Medical LLC of Yardley, Pennsylvania (collectively, ''Respondents''). *Id.* The Office of Unfair Import Investigations (''OUII'') is named as a party in this investigation. *Id.*

On February 11, 2021, the ALJ issued the FID, finding no violation of section 337. More particularly, the FID finds, *inter alia,* that: (1) The Commission has subject matter and personal jurisdiction; (2) Respondents sold for importation into the United States, imported, or sold after importation accused bone cements and bone cement accessories; (3) a domestic industry exists with respect to Complainants' accessory products under section 337(a)(1)(A)(i) (19 U.S.C. 1337(a)(1)(A)(i)); (4) Complainants own the asserted trade secrets; (5) trade secrets (''TS'') 10, 15, and 28 are protectable, but TS 11 is not protectable; (6) Respondents did not misappropriate any asserted TS; (6) Respondents did not engage in false advertising; (7) Respondents did not tortiously interference with Complainants' contracts or prospective business relationships; and (6) Complainants failed to show a substantial injury or threat of injury to their domestic industry.

The FID includes the ALJ's recommended determination (''RD''), which recommends that, if the Commission finds a violation of section 337, the Commission should issue a limited exclusion order and a cease and desist order directed to Respondents.

The RD further recommends imposing a bond of five and a half (5.5) percent during the period of Presidential review.

On February 23, 2021, Complainants filed a petition for review that seeks review of most of the FID's findings. On March 3, 2021, Respondents and OUII filed responses to Complainants' petition.

On March 15, 2021, Respondents filed a submission on the public interest pursuant to Commission Rule 210.50(a)(4) (19 CFR 210.50(a)(4)). Complainants and OUII did not file a statement on the public interest. The Commission received no filings in response to its **Federal Register** notice calling for public interest comments. *See* 86 FR 12029.

Having examined the record in this investigation, including the FID, the petitions for review, and the responses thereto, the Commission has determined to review the FID in part. In particular, the Commission has determined to review the following:

(1) The FID's findings and conclusions as to the alleged misappropriation of the asserted trade secrets, including the finding that Respondents independently developed their own data compilation;

(2) The FID's findings and conclusions as to Respondents' alleged tortious interference with Complainants' prospective business advantages; and

(3) The FID's findings on domestic industry and injury.

The Commission has determined not to review the remainder of the FID.

In connection with its review, the Commission requests that the parties brief their positions regarding the following questions with reference to the applicable law and the evidentiary record:

(A) When evaluating the misappropriation of a trade secret, identify and discuss the proper legal standard for wrongful disclosure or use of a trade secret that is a compilation. Please consider whether any particular amount of disclosure or use is required to support a finding of misappropriation, *i.e.,* de minimis, substantial, or the entirety of the trade secret compilation. Discuss whether there are any differences in the application of the legal standard for disclosure or use if a trade secret compilation includes publicly available information.

(B) Given the legal standard identified in response to (A), please analyze the alleged disclosure and use of TS 10, 15, and 28.

(C) Please discuss and provide a timeline detailing the background and development of Heraeus Medical LLC from 2017 through 2018, including the dates that relevant employees were hired, the relevant employees' positions, the dates of alleged disclosures and/or use of TS 10, 15, and 28, and the dates and relevant facts regarding Respondents' interactions with third parties.

(D) What criteria should the Commission apply to determine whether activities related to meeting FDA requirements constitute activities of a ''mere importer''? For example, should one criterion be that the activities are required to be performed in the United States or that the activities differ from those that a wholly domestic company would perform? Please apply the appropriate criteria to the facts of this investigation. Are any of Complainants' FDA-related activities different from what a wholly domestic company would need to undertake? Which, if any, of a Complainants' FDA activities could be conducted abroad?

In connection with the final disposition of this investigation, the statute authorizes issuance of: (1) An exclusion order that could result in the exclusion of the subject articles from entry into the United States, and/or (2) one or more cease and desist orders that could result in the respondents being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or are likely to do so. For background, *see Certain Devices for Connecting Computers via Telephone Lines,* Inv. No. 337- TA–360, USITC Pub. No. 2843, Comm'n Op. at 7–10 (Dec. 1994). In addition, if a party seeks issuance of any cease and desist orders, the written submissions should address that request in the context of recent Commission opinions, including those in *Certain Arrowheads with Deploying Blades and Components Thereof and Packaging Therefor,* Inv. No. 337–TA–977, Comm'n Op. (Apr. 28, 2017) and *Certain Electric Skin Care Devices, Brushes and Chargers Therefor, and Kits Containing the Same,* Inv. No. 337–TA–959, Comm'n Op. (Feb. 13, 2017).

The statute requires the Commission to consider the effects of that remedy upon the public interest. The public interest factors the Commission will consider include the effect that an exclusion order and/or cease and desist orders would have on: (1) The public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve, disapprove, or take no action on the Commission's action. *See* Presidential Memorandum of July 21, 2005, 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

Written Submissions: The parties to the investigation are requested to file written submissions on the questions identified in this notice. Parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Such initial written submissions should include views on the ALJ's RD on remedy and bonding.

In their initial written submission, Complainants are also requested to identify the form of the remedy sought, and Complainants and OUII are requested to submit proposed remedial orders for the Commission's consideration. Complainants are also requested to state the HTSUS subheadings under which the accused articles are imported, and to supply identification information for all known importers of the accused products.

Written submissions, including proposed remedial orders must be filed no later than the close of business on April 30, 2021. Reply submissions must be filed no later than the close of business on May 7, 2021. No further submissions on these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. The Commission's paper filing requirements in 19 CFR 210.4(f) are currently waived. 85 FR 15798

(March 19, 2020). Submissions should refer to the investigation number (''Inv. No. 337–TA–1175'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf*). Persons with questions regarding filing should contact the Secretary at (202) 205–2000.

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements. All non-confidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.

The Commission vote for this determination took place on April 12, 2021.

The authority for the Commission's determination is contained in Section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: April 12, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–07765 Filed 4–15–21; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1474 (Final)]

Ultra-High Molecular Weight Polyethylene From Korea

Determination

On the basis of the record [1] developed in the subject investigation, 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 not materially injured or threatened with material injury, and the establishment of an industry in the United States is not materially retarded by reason of imports of ultra-high molecular weight polyethylene from Korea, provided for in subheadings 3901.10.10 and 3901.20.10 of the Harmonized Tariff Schedule of the United States, that have been found by the U.S. Department of Commerce (''Commerce'') to be sold in the United States at less than fair value (''LTFV'').[2]

Background

The Commission instituted this investigation effective March 4, 2020, following receipt of a petition filed with the Commission and Commerce by Celanese Corporation, Irving, Texas. The Commission scheduled the final phase of the investigation following notification of a preliminary determination by Commerce that imports of ultra-high molecular weight polyethylene from Korea were being sold at LTFV within the meaning of section 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of the scheduling of the final phase of the Commission's investigation 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 October 20, 2020 (85 FR 66576). 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 18, 2021. All persons who requested the opportunity were permitted to participate.

The Commission made this determination pursuant to section 735(b) of the Act (19 U.S.C. 1673d(b)). It completed and filed its determination in this investigation on April 12, 2021. The views of the Commission are contained in USITC Publication 5178 (April 2021), entitled *Ultra-High Molecular Weight Polyethylene from Korea: Investigation No. 731–TA–1474 (Final).*

By order of the Commission.

Issued: April 12, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–07758 Filed 4–15–21; 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 11497 (February 25, 2021).

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

On April 12, 2021, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Western District of Louisiana in the lawsuit entitled *United States of America* v. *Axiall Corp., CITGO Petroleum Corporation, Bridgestone Americas Tire Operations, LLC, Bridgestone Americas, Inc., Firestone Polymers, LLC, Occidental Chemical Corporation, OXY USA Inc., PPG Industries, Inc. and Westlake Polymers LLC,* Civil Action No. 2:21–cv–00970–JDC–KK.

The Consent Decree resolves the claims of the United States against the Defendants for response costs incurred by the United States for response actions to investigate and address contamination within the Calcasieu Estuary Site (Site) in Louisiana. The United States' Complaint seeks to recover its response costs incurred in connection with the Site pursuant to Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9607(a). The Consent Decree provides for payment by the Defendants of $5.5 million in reimbursement of the United States' past response costs.

The publication of this notice opens a period for public comment on the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States of America* v. *Axiall Corp., et al.,* D.J. Ref. No. 90–11–2–1284/2. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	Send them to:
By email	pubcomment-ees.enrd@usdoj.gov.
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the proposed Consent Decree may be examined and downloaded at this Justice Department website: *http://www.justice.gov/enrd/consent-decrees.* We will provide a paper copy of the proposed Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $10.25 (25 cents per page reproduction cost) payable to the United States Treasury.

Kenneth G. Long,

Acting Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2021–07880 Filed 4–15–21; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Employment and Training Administration

Agency Information Collection Activities; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor's (DOL) Employment and Training Administration (ETA) is soliciting comments concerning a proposed extension with revisions for the information collection request (ICR) titled, ''The Senior Community Service Employment Program (SCSEP) Programmatic and Performance Reporting Requirements.'' This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA).

DATES: Submit written responses on or before June 15, 2021.

ADDRESSES: A copy of this ICR with applicable supporting documentation, including a description of the likely respondents, proposed frequency of response, and estimated total burden, may be obtained free by contacting Irene Adams Jefferson by telephone at (202) 693–3045 (this is not a toll-free number), TTY 1–877–889–5627 (this is not a toll-free number), or by email at *ICRComments.SCSEP@dol.gov.*

Submit written comments about, or requests for a copy of, this ICR by email: *ICRComments.SCSEP@dol.gov.* Due to building capacity limitations during the pandemic, we strongly recommend the commenters submit their feedback via email. However, the Department maintains the ability to receive comments by mail. Commenters can submit comments by mail to U.S. Department of Labor/Employment and Training Administration; Office of Workforce Investment; Senior Community Service Employment Program, Room C–4510, 200 Constitution Avenue NW, Washington, DC 20210 or by fax: (202) 693–3015.

FOR FURTHER INFORMATION CONTACT: Irene Adams Jefferson by telephone at (202) 693–3045 (this is not a toll-free number) or by email at *ICRComments.SCSEP@dol.gov.*

SUPPLEMENTARY INFORMATION: DOL, as part of continuing efforts to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies an opportunity to comment on proposed and/or continuing collections of information before submitting them to the Office of Management and Budget (OMB) for final approval. This program helps to ensure requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements can be properly assessed.

Title V of the Older Americans Act of 1965 (Reauthorized by Pub. L. 116–131, March 25, 2020) authorizes this information collection. The purposes of this Information Collection Request are to fulfill the statutory requirements for SCSEP data collection by supporting ETA's ability to collect grantee performance data, including information on participant characteristics and outcomes (and pursuant to OAA 2020); document the equitable distribution of SCSEP services; assess customer satisfaction with the SCSEP program; and ensure that states are reporting on the SCSEP program as part of the State Plan process. Toward these goals, this ICR seeks to:

- Renew, with revisions, the existing legacy data collection instruments—ETA–9120—Participant Form, ETA–9121—Community Service Assignment Form, ETA–9122—Exit Form, and ETA–9123—Unsubsidized Employment Form—for use until such time as the legacy system is replaced by the new Grant Performance Management System (GPMS);
- Combine the four existing data collection instruments (ETA–9120—Participant Form, ETA–9121—Community Service Assignment Form, ETA–9122—Exit Form, and ETA–9123—Unsubsidized Employment Form) with those data elements approved under Control No. 1205–0521 that are incorporated into the new GPMS, and additional data elements newly developed for both the legacy system and GPMS and not previously approved, as a single data collection instrument. Grantees will use this data collection instrument, GPMS once it is implemented and replaces SPARQ;
- Renew, with revisions, the legacy SCSEP Quarterly Progress Report (ETA–5140) and the new Quarterly Performance Report for SCSEP (ETA–9173–SCSEP);
- Renew, without revisions, the Equitable Distribution (ED) Reports (ETA–8705A, and ETA–8705B); and add ED to the annual planning process;
- Renew, with revisions, SCSEP's survey collection instruments: ETA–9124A– Participant Survey and ETA–9124B—Host Agency Survey, and renew, without changes, the ETA–9124C—Employer Survey.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. See 5 CFR 1320.5(a) and 1320.6.

Interested parties are encouraged to provide comments to the contact shown in the **ADDRESSES** section. Comments must be written to receive consideration, and they will be summarized and included in the request for OMB approval of the final ICR. In order to help ensure appropriate consideration, comments should mention ''OMB Control Number 1205–0040.''

Submitted comments will also be a matter of public record for this ICR and posted on the internet, without redaction. DOL encourages commenters not to include personally identifiable information, confidential business data, or other sensitive statements/information in any comments.

DOL is particularly interested in comments that:

- 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;
- 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;
- Enhance the quality, utility, and clarity of the information to be collected; and
- 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).

Agency: DOL ETA.

Type of Review: Revision.

Title of Collection: The Senior Community Service Employment Program (SCSEP) Programmatic and Performance Reporting Requirements.

Forms: ETA–5140—Quarterly Progress Report; ETA–8705—Equitable Distribution Report Instructions; ETA–8705A—State Equitable Distribution Report; ETA–8705B—Grantee Equitable Distribution Report; ETA–9120—Participant Form; ETA–9121—Community Service Assignment Form; ETA–9122-Exit Form; ETA–9123—Unsubsidized Employment Form; ETA–9124A—Customer Satisfaction Participant Survey; ETA–9124B—Customer Satisfaction Host Agency Survey; ETA–9124C—Customer Satisfaction Employer Survey; ETA–9173–SCSEP Quarterly Performance Report.

OMB Control Number: 1205–0040.

Affected Public: Individuals and households; State, local, and tribal governments; and the private sector (businesses or other for-profits, and not-for-profit institutions).

Estimated Number of Respondents: 70,331.

Frequency: Varies.

Total Estimated Annual Responses: 70,331.

Estimated Average Time per Response: Varies.

Estimated Total Annual Burden Hours: 157,898 hours.

Total Estimated Annual Other Cost Burden: $1,457,328.08.

Authority: 44 U.S.C. 3506(c)(2)(A).

Suzan G. LeVine,

Principal Deputy Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2021–07809 Filed 4–15–21; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Grafton Job Corps Center Proposed New Parking Lot Construction

AGENCY: Employment and Training Administration, Labor.

ACTION: Final finding of no significant impact, grafton job corps center proposed new parking lot construction, located at 100 Pine Street, North Grafton, Massachusetts.

SUMMARY: The Department of Labor's (DOL) Employment and Training Administration, pursuant to the Council on Environmental Quality Regulations implementing procedural provisions of the National Environmental Policy Act (NEPA), gives final notice of the proposed construction of a 40,700 square foot asphalt parking lot and related security fencing and lighting at the main entrance of the Grafton Job Corps Center and that this project will not have a significant adverse impact on the environment.

DATES: These findings are effective as of April 16, 2021.

FOR FURTHER INFORMATION CONTACT: Jose Velazquez, Department of Labor, 200 Constitution Avenue NW, Room N–4460, Washington, DC 20210; Telephone (202) 693–3099 (this is not a toll free number).

SUPPLEMENTARY INFORMATION: Pursuant to the Council on Environmental Quality Regulations (40 CFR part 1500–08) implementing procedural provisions of the National Environmental Policy Act (NEPA), in accordance with 29 CFR 11.11(d), gives final notice of the proposed construction of a 40,700 square foot asphalt parking lot and related security fencing and lighting at the main entrance of the Grafton Job Corps Center and that this project will not have a significant adverse impact on the environment. A public notice of availability of the draft environmental assessment (EA) was published in the Telegram & Gazette in Worcester County, Massachusetts, on December 16, 2020. The review period extended for 24 days, ending on January 8, 2021. No public comments were received. No changes to the findings of the EA have been made.

Implementation of the proposed action alternative will not have significant impacts on the human environment. The determination is sustained by the analysis in the EA, agency, consultation, the inclusion and consideration of public review, and the capability of mitigations to reduce or avoid impacts. Any adverse environmental effects that could occur are no more than minor in intensity, duration and context and less-than-significant. As described in the EA, there are no highly uncertain or controversial impacts, unique or unknown risks, significant cumulative effects, or elements of precedence. There are no previous, planned, or implemented actions, which, in combination with the proposed action alternative, would have significant effects on the human environment. Requirements of NEPA have been satisfied, and preparation of an Environmental Impact Statement is not required.

Suzan G. LeVine,

Principal Deputy Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2021–07810 Filed 4–15–21; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Agency Information Collection Activities; Comment Request; Trade Adjustment Assistance (TAA) Administrative Collection of States (TAAACS)

ACTION: Notice.

SUMMARY: The Department of Labor's (DOL's) Employment and Training Administration (ETA) is soliciting comments concerning a proposed change to the information collection request (ICR) titled, ''TAA Administrative Collection of States'' (OMB No. 1205–0540). This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA).

DATES: Consideration will be given to all written comments received by June 15, 2021.

ADDRESSES: A copy of this ICR with applicable supporting documentation, including a description of the likely respondents, proposed frequency of response, and estimated total burden, may be obtained free by contacting Robert Hoekstra by telephone at 202–

693–3522 (this is not a toll-free number), TTY 1–877–889–5627 (this is not a toll-free number), or by email at *hoekstra.robert@dol.gov*.

Submit written comments about, or requests for a copy of, this ICR by mail or courier to the U.S. Department of Labor, Employment and Training Administration, Office of Trade Adjustment Assistance, 200 Constitution Avenue NW, Room N–5428, Washington, DC 20210; by email: *taa.reports@dol.gov*; or by Fax 202–693–3584.

FOR FURTHER INFORMATION CONTACT: Robert Hoekstra by telephone at 202–693–3522 (this is not a toll-free number) or by email at *hoekstra.robert@dol.gov*.

Authority: 44 U.S.C. 3506(c)(2)(A).

SUPPLEMENTARY INFORMATION: DOL, as part of continuing efforts to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies an opportunity to comment on proposed and/or continuing collections of information before submitting them to the Office of Management and Budget (OMB) for final approval. This program helps to ensure requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements can be properly assessed.

The Office of Trade Adjustment Assistance (OTAA) is seeking to revise the TAAACS, which collects discrete data on how State Workforce Agencies (SWAs) organize the TAA program. These modifications expand collection on TAA worker list metrics, program integration, and technical assistance and improves the information collected across eight (8) distinct categories. The modifications also seeks to minimize the burden by removing unnecessary, increasing the clarity of questions, and modifying previously cumbersome rankings. This data will allow OTAA to analyze promising practices in support of TAA participants, identify areas with technical assistance needs, and determine opportunities for greater program integration. Section 239(c) of Title II, Chapter 2 of the Trade Act of 1974, as amended (19 U.S.C. 2271 *et seq.*), authorizes this information collection.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. See 5 CFR 1320.5(a) and 1320.6.

Interested parties are encouraged to provide comments to the contact shown in the **ADDRESSES** section. Comments must be written to receive consideration, and they will be summarized and included in the request for OMB approval of the final ICR. In order to help ensure appropriate consideration, comments should mention OMB Number 1205–0540.

Submitted comments will also be a matter of public record for this ICR and posted on the internet, without redaction. DOL encourages commenters not to include personally identifiable information, confidential business data, or other sensitive statements/information in any comments.

DOL is particularly interested in comments that:

- 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;
- 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;
- Enhance the quality, utility, and clarity of the information to be collected; and
- 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).

Agency: DOL–ETA.

Type of Review: Revision.

Title of Collection: TAA Administrative Collection of States.

Form: ETA Form–9189, TAA Administrative Collection of States.

OMB Control Number: 1205–0540.

Affected Public: State, Local, and Tribal Governments.

Estimated Number of Respondents: 52.

Frequency: Annually.

Total Estimated Annual Responses: 52.

Estimated Average Time per Response: 6 hours.

Estimated Total Annual Burden Hours: 312 hours.

Total Estimated Annual Other Cost Burden: $0.

Suzan G. LeVine,

Principal Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2021–07807 Filed 4–15–21; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Veterans Supplement to the Current Population Survey

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Bureau of Labor Statistics (BLS)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before May 17, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain*. Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Mara Blumenthal by telephone at 202–693–8538, or by email at *DOL_PRA_PUBLIC@dol.gov*.

SUPPLEMENTARY INFORMATION: The CPS has been the principal source of official Government statistics on employment and unemployment since 1940 (75 years). Collection of labor force data through the CPS is necessary to meet the requirements in Title 29, United States Code, Sections 1 and 2. The Veterans Supplement provides information on the labor force status of veterans with a service-connected disability, combat veterans, past or present National Guard and Reserve members, and recently discharged veterans. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on January 29, 2021 (86 FR 7574).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–BLS.

Title of Collection: Veterans Supplement to the Current Population Survey.

OMB Control Number: 1220–0102.

Affected Public: Individuals or Households.

Total Estimated Number of Respondents: 7,100.

Total Estimated Number of Responses: 7,100.

Total Estimated Annual Time Burden: 503 hours.

Total Estimated Annual Other Costs Burden: $0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: April 9, 2021.

Mara Blumenthal,

Senior PRA Analyst.

[FR Doc. 2021–07812 Filed 4–15–21; 8:45 am]

BILLING CODE 4510–24–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Bureau of Labor Statistics Occupational Safety and Health Statistics Cooperative Agreement Application Package

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Bureau of Labor Statistics (BLS)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before May 17, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Mara Blumenthal by telephone at 202–693–8538, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: The Secretary of Labor has delegated to the BLS the authority to collect, compile, and analyze statistical data on work-related injuries and illnesses, as authorized by the Occupational Safety and Health Act of 1970 (Pub. L. 91–596). The Cooperative Agreement is designed to allow the BLS to ensure conformance with program objectives. The BLS has full authority over the financial operations of the statistical program. The existing collection of information allows Federal staff to negotiate the Cooperative Agreement with the State Grant Agencies and monitor their financial and programmatic performance and adherence to administrative requirements imposed by the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR 200) and other grant related regulations. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on November 18, 2020 (85 FR 73514).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–BLS.

Title of Collection: Bureau of Labor Statistics Occupational Safety and Health Statistics Cooperative Agreement Application Package.

OMB Control Number: 1220–0149.

Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Respondents: 56.

Total Estimated Number of Responses: 445.

Total Estimated Annual Time Burden: 386 hours.

Total Estimated Annual Other Costs Burden: $0.

Authority: 44 U.S.C. 3507(a)(1)(D)

Dated: April 9, 2021.

Mara Blumenthal,

Senior PRA Analyst.

[FR Doc. 2021–07813 Filed 4–15–21; 8:45 am]

BILLING CODE 4510–24–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Labor Market Information Cooperative Agreement

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Bureau of Labor Statistics (BLS)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before May 17, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Mara Blumenthal by telephone at 202–693–8538, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: The BLS enters into Cooperative Agreements with State Workforce Agencies (SWAs) annually to provide financial assistance to the SWAs for the production and operation of the following LMI statistical programs: Current Employment Statistics, Local Area Unemployment Statistics, Occupational Employment Statistics, and Quarterly Census of Employment and Wages. The Cooperative Agreement provides the basis for managing the administrative and financial aspects of these programs. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on November 18, 2020 (85 FR 73515).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–BLS.

Title of Collection: Labor Market Information Cooperative Agreement.

OMB Control Number: 1220–0079.

Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Respondents: 54.

Total Estimated Number of Responses: 1,020.

Total Estimated Annual Time Burden: 881 hours.

Total Estimated Annual Other Costs Burden: $0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: April 9, 2021.

Mara Blumenthal,

Senior PRA Analyst.

[FR Doc. 2021–07811 Filed 4–15–21; 8:45 am]

BILLING CODE 4510–24–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (21–024)]

Aerospace Safety Advisory Panel; Meeting.

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, the National Aeronautics and Space Administration announces a forthcoming meeting of the Aerospace Safety Advisory Panel (ASAP).

DATES: Thursday, May 6, 2021, 2:00 p.m. to 3:30 p.m., Eastern Time.

ADDRESSES: This will be a virtual meeting via teleconference.

FOR FURTHER INFORMATION CONTACT: Ms. Lisa M. Hackley, ASAP Administrative Officer, NASA Headquarters, Washington, DC 20546, (202) 358–1947 or *lisa.m.hackley@nasa.gov.*

SUPPLEMENTARY INFORMATION: The Aerospace Safety Advisory Panel (ASAP) will hold its Second Quarterly Meeting for 2021. This discussion is pursuant to carrying out its statutory duties for which the Panel reviews, identifies, evaluates, and advises on those program activities, systems, procedures, and management activities that can contribute to program risk. Priority is given to those programs that involve the safety of human flight. The agenda will include:

— Updates on the International Space Station Program
— Updates on the Commercial Crew Program
— Updates on Exploration System Development Program
— Updates on Human Lunar Exploration Program

This meeting is a virtual meeting, and only available telephonically. Any interested person may call the USA toll free conference call number 888–566–6133; passcode 8343253 and then the # sign. At the beginning of the meeting, members of the public may make a verbal presentation to the Panel on the subject of safety in NASA, not to exceed 5 minutes in length. To do so, members of the public must contact Ms. Lisa M. Hackley at *lisa.m.hackley@nasa.gov* or at (202) 358–1947 at least 48 hours in advance. Any member of the public is permitted to file a written statement with the Panel via electronic submission to Ms. Hackley at the email address previously noted. Verbal presentations and written statements should be limited to the subject of safety in NASA. It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants.

Patricia Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2021–07859 Filed 4–15–21; 8:45 am]

BILLING CODE P

National Science Foundation

Sunshine Act Meeting

The National Science Board's Executive Committee hereby gives

notice of the scheduling of a teleconference for the transaction of National Science Board business as follows:

TIME AND DATE: Thursday, April 22, 2021 from 12:30–1:30 p.m. EDT.

PLACE: This meeting will be held by teleconference through the National Science Foundation.

STATUS: Open.

MATTERS TO BE CONSIDERED: Committee Chair's opening remarks; approval of Executive Committee minutes of January 25, 2021; approval of Annual Report of the Executive Committee; and discuss issues and topics for an agenda of the NSB meeting scheduled for May 18–19, 2021.

CONTACT PERSON FOR MORE INFORMATION: Point of contact for this meeting is: James Hamos, 703/292–8000. To listen to this teleconference, members of the public must send an email to *nationalsciencebrd@nsf.gov* at least 24 hours prior to the teleconference. The National Science Board Office will send requesters a toll-free dial-in number. Meeting information and updates may be found at *http://www.nsf.gov/nsb/notices/.jsp.* Please refer to the National Science Board website at *www.nsf.gov/nsb* for general information.

Chris Blair,

Executive Assistant to the National Science Board Office.

[FR Doc. 2021–08005 Filed 4–14–21; 4:15 pm]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2017–0091]

Regulatory Analysis Guidelines

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft NUREG appendices; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment four draft appendices to NUREG/BR–0058, Revision 5, ''Regulatory Analysis Guidelines of the U.S. Nuclear Regulatory Commission.'' The guidance provided in the draft appendices refines the information the staff uses when performing a cost-benefit analysis and addresses emergent policy issues and guidance enhancements. The draft appendices also incorporate pertinent information from NUREG/BR–0184, ''Regulatory Analysis Technical Handbook.'' A description of each draft appendix is provided in the Discussion section of this document.

DATES: Submit comments by June 15, 2021. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received 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–2017–0091. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: *Stacy.Schumann@nrc.gov*. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* Office of Administration, Mail Stop: TWFN–7–A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Program Management, Announcements and Editing Staff.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Pamela Noto, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6795; email: *Pamela.Noto@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2017–0091 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–2017–0091.
- *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*. For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the ''Availability of Documents'' section.
- *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 between 8:00 a.m. and 4:00 p.m. (EST), Monday through Friday, except Federal holidays.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal Rulemaking website (*https://www.regulations.gov*). Please include Docket ID NRC–2017–0091 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *https://www.regulations.gov* and will enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Discussion

The draft appendices to NUREG/BR–0058, Revision 5 address guidance enhancements for further consideration that were identified in SECY–14–0143, ''Regulatory Gap Analysis of the Nuclear Regulatory Commission's Cost-Benefit Regulations, Guidance, and Practices,'' and incorporates pertinent information from NUREG/BR–0184.

Appendix F, ''Data Sources,'' provides guidance on the processes needed to collect and analyze data, as well as data types, sources, and adjustment techniques. It also (1) identifies sources of information that can be collected to support data analysis activities, (2) describes various methods of adjusting raw data to establish a common basis, and (3) discusses the importance of collecting historical cost and non-cost data to support parametric estimating techniques.

Appendix G, ''Regulatory Analysis Methods and Data for Nuclear Facilities Other Than Power Reactors,'' documents established approaches and data considerations for use in performing non-power reactor regulatory analyses. This appendix provides supplemental information for performing a regulatory analysis for non-power reactor facilities and activities, including fuel fabrication facilities, independent spent fuel storage installations, irradiators, high-level waste repositories, and uses of byproduct material.

Appendix H, ''Severe Accident Risk Analysis,'' provides guidance and best practices recommended for use in performing probabilistic risk assessments and consequence analyses as part of regulatory and backfit analyses for nuclear power reactors. This appendix expands upon guidance regarding the safety goal evaluation and valuation of public health (accident) and economic consequences (offsite property) attributes. It provides references on sources of information and an overview of the tools and methods used to estimate changes in core damage frequency, large early release frequency, public health risk, and offsite economic consequences risk.

Appendix I, ''National Environmental Policy Act Cost-Benefit Analysis,'' describes the methods to be used in preparing cost-benefit analyses in support of the NRC's regulatory and licensing actions conducted under the National Environmental Policy Act, including evaluations of severe accident mitigation alternatives and severe accident mitigation design alternatives.

III. Availability of Documents

The documents identified in the following table are available to interested persons as indicated.

Document	ADAMS Accession No.
Draft NUREG/BR–0058, Revision 5, Appendix F, ''Data Sources''	ML21096A292.
Draft NUREG/BR–0058, Revision 5, Appendix G, ''Regulatory Analysis Methods and Data for Nuclear Facilities Other Than Power Reactors''.	ML21096A293.
Draft NUREG/BR–0058, Revision 5, Appendix H, ''Severe Accident Risk Analysis''	ML21096A294.
Draft NUREG/BR–0058, Revision 5, Appendix I, ''National Environmental Policy Act Cost-Benefit Analysis''	ML21096A295.
NUREG/BR–0058, Revision 5, ''Regulatory Analysis Guidelines of the U.S. NRC''	ML17101A355 (Package).
NUREG/BR–0184, ''Regulatory Analysis Technical Evaluation Handbook''	ML050190193.
SECY–14–0143, ''Regulatory Gap Analysis of the NRC's Cost-Benefit Guidance and Practices,'' December 16, 2014	ML14280A426 (Package).

Dated: April 12, 2021.

For the Nuclear Regulatory Commission.

Kevin A. Coyne,

Acting Director, Division of Rulemaking, Environmental, and Financial Support, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2021–07815 Filed 4–15–21; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–331; NRC–2021–0066]

NextEra Energy Duane Arnold, LLC; Duane Arnold Energy Center

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemption; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has issued exemptions in response to a request from the licensee regarding certain emergency planning (EP) requirements. The exemptions eliminate the requirements to maintain an offsite radiological emergency preparedness plan and reduce the scope of onsite EP activities at the Duane Arnold Energy Center, based on the reduced risks of accidents that could result in an offsite radiological release at a decommissioning nuclear power reactor.

DATES: The exemption was issued on April 13, 2021.

ADDRESSES: Please refer to Docket ID NRC–2021–0066 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–2021–0066. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: *Stacy.Schumann@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.
- *Attention:* The PDR, where you may examine and order copies of public documents, is currently closed. You may submit your request to the PDR via email at *pdr.resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8:00 a.m. and 4:00 p.m. (EST), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Marlayna V. Doell, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3178; email: *Marlayna.Doell@nrc.gov.*

SUPPLEMENTARY INFORMATION: The text of the exemption is attached.

Dated: April 13, 2021.

For the Nuclear Regulatory Commission.

Marlayna V. Doell,

Project Manager, Reactor Decommissioning Branch, Division of Decommissioning, Uranium Recovery, and Waste Programs, Office of Nuclear Material Safety and Safeguards.

Attachment—Exemption

Nuclear Regulatory Commission

Docket No. 50–331; NextEra Energy Duane Arnold, LLC; Duane Arnold Energy Center; Exemption

I. Background

By letter dated January 18, 2019 (Agencywide Documents Access and

Management System (ADAMS) Accession No. ML19023A196), NextEra Energy Duane Arnold, LLC (NEDA, the licensee) certified to the U.S. Nuclear Regulatory Commission (NRC) that it planned to permanently cease power operations at the Duane Arnold Energy Enter (DAEC) in the fourth quarter of 2020. By letter dated March 2, 2020 (ADAMS Accession No. ML20062E489), NEDA updated its timeline and certified to the NRC that it planned to permanently cease power operations at DAEC on October 30, 2020. By letter dated August 27, 2020 (ADAMS Accession No. ML20240A067), NEDA certified to the NRC that power operations permanently ceased at DAEC on August 10, 2020, and in a letter dated October 12, 2020 (ADAMS Accession No. ML20286A317), that the fuel was permanently removed from the DAEC reactor vessel and placed in the spent fuel pool (SFP) as of October 12, 2020. Based on the docketing of these certifications for permanent cessation of operations and permanent removal of fuel from the reactor vessel, as specified in Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.82(a)(2), the 10 CFR part 50 renewed facility operating license (DPR–49) for DAEC no longer authorizes operation of the reactor or emplacement or retention of fuel in the reactor vessel. The facility is still authorized to possess and store irradiated (*i.e.,* spent) nuclear fuel. Spent fuel is currently stored onsite at the DAEC facility in the SFP and in a dry cask independent spent fuel storage installation (ISFSI).

Many of the accident scenarios postulated in the updated safety analysis reports (USARs) for operating nuclear power reactors involve failures or malfunctions of systems, which could affect the fuel in the reactor core and, in the most severe postulated accidents, would involve the release of large quantities of fission products. With the permanent cessation of power operations at DAEC and permanent removal of fuel from the reactor vessel, many accidents are no longer possible. The reactor, reactor coolant system, and supporting systems are no longer in operation and have no function related to the storage of the spent fuel. Therefore, the emergency planning (EP) provisions for postulated accidents involving failure or malfunction of the reactor, reactor coolant system, or supporting systems are no longer applicable.

The EP requirements of 10 CFR 50.47, ''Emergency plans,'' and Appendix E to 10 CFR part 50, ''Emergency Planning and Preparedness for Production and Utilization Facilities,'' continue to apply to nuclear power reactors that have permanently ceased operation and have permanently removed all fuel from the reactor vessel. There are no explicit regulatory provisions distinguishing EP requirements for a power reactor that is permanently shut down and defueled from those for a reactor that is authorized to operate. To reduce or eliminate EP requirements that are no longer necessary due to the decommissioning status of the facility, NEDA must obtain exemptions from those EP regulations. Only then can NEDA modify the DAEC emergency plan to reflect the reduced risk associated with the permanently shutdown and defueled condition of DAEC.

II. Request/Action

By letter dated April 2, 2020, as supplemented by letter dated October 7, 2020 (ADAMS Accession Nos. ML20101M779 and ML20282A595, respectively), NEDA requested exemptions from certain EP requirements in 10 CFR part 50 for DAEC. Specifically, NEDA requested exemptions from certain planning standards in 10 CFR 50.47(b) regarding onsite and offsite radiological emergency preparedness plans for nuclear power reactors; from certain requirements in 10 CFR 50.47(c)(2) that require establishment of plume exposure and ingestion pathway EP zones for nuclear power reactors; and from certain requirements in 10 CFR part 50, Appendix E, Section IV, which establish the elements that comprise the content of emergency plans. In the letter dated October 7, 2020, NEDA provided supplemental information and responses to the NRC staff's requests for additional information concerning the proposed exemptions.

The information provided by the licensee included justifications for each exemption requested. The exemptions requested by NEDA would eliminate the requirements to maintain formal offsite radiological emergency preparedness plans reviewed by the Federal Emergency Management Agency (FEMA) under the requirements of 44 CFR, ''Emergency Management and Assistance,'' Part 350, ''Review and Approval of State and Local Radiological Emergency Plans and Preparedness,'' and would reduce the scope of onsite EP activities at DAEC. The licensee stated that the application of all the standards and requirements in 10 CFR 50.47(b), 10 CFR 50.47(c), and 10 CFR part 50, Appendix E, are not needed for adequate emergency response capability, based on the substantially lower onsite and offsite radiological consequences of accidents still possible at the permanently shutdown and defueled facility, as compared to an operating facility. If offsite protective actions were needed for a highly unlikely beyond-design-basis accident that could challenge the safe storage of spent fuel at DAEC, provisions exist for offsite agencies to take protective actions using a comprehensive emergency management plan (CEMP) under the National Preparedness System to protect the health and safety of the public. A CEMP in this context, also referred to as an emergency operations plan, is addressed in FEMA's Comprehensive Preparedness Guide 101, ''Developing and Maintaining Emergency Operations Plans,'' which is publicly available at *http://www.fema.gov/pdf/about/divisions/npd/CPG_101_V2.pdf.* Comprehensive Preparedness Guide 101 is the foundation for State, territorial, Tribal, and local EP in the United States. It promotes a common understanding of the fundamentals of risk-informed planning and decision-making and helps planners at all levels of government in their efforts to develop and maintain viable, all-hazards, all-threats emergency plans. An emergency operations plan is flexible enough for use in all emergencies. It describes how people and property will be protected; details who is responsible for carrying out specific actions; identifies the personnel, equipment, facilities, supplies and other resources available; and outlines how all actions will be coordinated. A CEMP is often referred to as a synonym for ''all-hazards planning.''

III. Discussion

In accordance with 10 CFR 50.12, ''Specific exemptions,'' the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR part 50 when: (1) The exemptions are authorized by law, will not present an undue risk to public health and safety, and are consistent with the common defense and security; and (2) any of the special circumstances listed in 10 CFR 50.12(a)(2) are present. These special circumstances include, among other things, that the application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule.

As noted previously, the EP regulations contained in 10 CFR 50.47(b) and Appendix E to 10 CFR part 50 apply to both operating and shutdown power reactors. The NRC has

consistently acknowledged that the risk of an offsite radiological release at a power reactor that has permanently ceased operations and permanently removed fuel from the reactor vessel is significantly lower, and the types of possible accidents are significantly fewer, than at an operating power reactor. However, the EP regulations do not recognize that once a power reactor permanently ceases operation, the risk of a large radiological release from credible emergency accident scenarios is significantly reduced. The reduced risk for any significant offsite radiological release is based on two factors. One factor is the elimination of accidents applicable only to an operating power reactor, resulting in fewer credible accident scenarios. The second factor is the reduced short-lived radionuclide inventory and decay heat production due to radioactive decay. Due to the permanently defueled status of the reactor, no new spent fuel will be added to the DAEC SFP and the radionuclides in the current spent fuel will continue to decay as the spent fuel ages. The spent fuel will produce less heat due to radioactive decay, increasing the available time to mitigate a loss of water inventory from the SFP. The NRC's NUREG/CR–6451, ''A Safety and Regulatory Assessment of Generic BWR [Boiling Water Reactor] and PWR [Pressurized Water Reactor] Permanently Shutdown Nuclear Power Plants,'' dated August 1997 (ADAMS Accession No. ML082260098), and the NRC's NUREG–1738, ''Technical Study of Spent Fuel Pool Accident Risk at Decommissioning Nuclear Power Plants,'' dated February 2001 (ADAMS Accession No. ML010430066), confirmed that for permanently shutdown and defueled power reactors that are bounded by the assumptions and conditions in the report, the risk of offsite radiological release is significantly less than for an operating nuclear power reactor.

In the past, EP exemptions similar to those requested for DAEC, have been granted to permanently shutdown and defueled power reactor licensees. However, the exemptions did not relieve the licensees of all EP requirements. Rather, the exemptions allowed the licensees to modify their emergency plans commensurate with the credible site-specific risks that were consistent with a permanently shutdown and defueled status. Specifically, the NRC's approval of these prior exemptions was based on the licensee's demonstration that: (1) The radiological consequences of design-basis accidents would not exceed the limits of the U.S. Environmental Protection Agency (EPA) early phase Protective Action Guides (PAGs) of one roentgen equivalent man (rem) at the exclusion area boundary; and (2) in the highly unlikely event of a beyond-design-basis accident resulting in a loss of all modes of heat transfer from the fuel stored in the SFP, there is sufficient time to initiate appropriate mitigating actions, and if needed, for offsite authorities to implement offsite protective actions using a CEMP approach to protect the health and safety of the public.

With respect to design-basis accidents at DAEC, the licensee provided analysis demonstrating that 10 months following permanent cessation of power operations, the radiological consequences of the only remaining design-basis accident with potential for offsite radiological release (a fuel handling accident in the Reactor Building, where the SFP is located) will not exceed the limits of the EPA PAGs at the exclusion area boundary.

With respect to beyond-design-basis accidents at DAEC, the licensee analyzed a drain down of the SFP water that would effectively impede any decay heat removal. The analysis demonstrates that at 10 months after permanent cessation of power operations, there would be at least 10 hours after the assemblies have been uncovered until the limiting fuel assembly (for decay heat and adiabatic heatup analysis) reaches 900 degrees Celsius (°C), the temperature used to assess the potential onset of fission product release. The analysis conservatively assumed that the heat up time starts when the SFP has been completely drained, although it is likely that site personnel will start to respond to an incident when drain down starts. The analysis also does not consider the period of time from the initiating event causing loss of SFP water inventory until cooling is lost.

The NRC staff reviewed the licensee's justification for the requested exemptions against the criteria in 10 CFR 50.12(a) and determined, as described below, that the criteria in 10 CFR 50.12(a) will be met, and that the exemptions should be granted 10 months after DAEC has permanently ceased power operations. An assessment of the licensee's EP exemptions is described in SECY–21–0006, ''Request by NextEra Energy Duane Arnold, LLC for Exemptions from Certain Emergency Planning Requirements for the Duane Arnold Energy Center,'' dated January 15, 2021 (ADAMS Package Accession No. ML20218A875). The Commission approved the NRC staff's recommendation to grant the exemptions in the staff requirements memorandum to SECY–21–0006, dated February 11, 2021 (ADAMS Accession No. ML21042A030). Descriptions of the specific exemptions requested by the licensee and the NRC staff's basis for granting each exemption are provided in SECY–21–0006. The NRC staff's detailed review and technical basis for the approval of the specific EP exemptions requested by the licensee are provided in the NRC staff's safety evaluation dated April 13, 2021 (ADAMS Accession No. ML21097A141).

A. The Exemption Is Authorized by Law

The licensee has proposed exemptions from certain EP requirements in 10 CFR 50.47(b), 10 CFR 50.47(c)(2), and 10 CFR part 50, Appendix E, Section IV, that would allow the licensee to revise the DAEC Emergency Plan to reflect the permanently shutdown and defueled condition of the facility. As stated above, in accordance with 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR part 50. The NRC staff has determined that granting of the licensee's proposed exemptions will not result in a violation of the Atomic Energy Act of 1954, as amended, or the NRC's regulations. Therefore, the exemptions are authorized by law.

B. The Exemption Presents No Undue Risk to Public Health and Safety

As stated previously, the licensee provided analyses that show that the radiological consequences of design-basis accidents will not exceed the limits of the EPA early phase PAGs at the exclusion area boundary. Therefore, formal offsite radiological emergency preparedness plans required under 10 CFR part 50 will no longer be needed for protection of the public beyond the exclusion area boundary, based on the radiological consequences of design-basis accidents still possible at DAEC 10 months after the plant has permanently ceased power operations.

Although highly unlikely, there is one postulated beyond-design-basis accident that might result in significant offsite radiological releases. However, NUREG–1738 confirms that the risk of beyond-design-basis accidents is greatly reduced at permanently shutdown and defueled reactors. The NRC staff's analyses in NUREG–1738 conclude that the event sequences important to risk at permanently shutdown and defueled power reactors are limited to large earthquakes and cask drop events. For EP assessments, this is an important difference relative to operating power

reactors, where typically a large number of different sequences make significant contributions to risk. As described in NUREG–1738, relaxation of offsite EP requirements in 10 CFR part 50 a few months after shutdown resulted in only a small change in risk. The report further concludes that the change in risk due to relaxation of offsite EP requirements is small because the overall risk is low, and because even under current EP requirements for operating power reactors, EP was judged to have marginal impact on evacuation effectiveness in the severe earthquake event that dominates SFP risk. All other sequences including cask drops (for which offsite radiological emergency preparedness plans are expected to be more effective) are too low in likelihood to have a significant impact on risk.

Therefore, granting exemptions to eliminate the requirements of 10 CFR part 50 to maintain offsite radiological emergency preparedness plans and to reduce the scope of onsite EP activities will not present an undue risk to the public health and safety.

C. The Exemption Is Consistent With the Common Defense and Security

The requested exemptions by the licensee only involve EP requirements under 10 CFR part 50 and will allow the licensee to revise the DAEC Emergency Plan to reflect the permanently shutdown and defueled condition of the facility. Physical security measures at DAEC are not affected by the requested EP exemptions. The discontinuation of formal offsite radiological emergency preparedness plans and the reduction in scope of the onsite EP activities at DAEC will not adversely affect the licensee's ability to physically secure the site or protect special nuclear material. Therefore, the proposed exemptions are consistent with common defense and security.

D. Special Circumstances

Special circumstances, in accordance with 10 CFR 50.12(a)(2)(ii), are present whenever application of the regulation in the particular circumstances is not necessary to achieve the underlying purpose of the rule. The underlying purpose of 10 CFR 50.47(b), 10 CFR 50.47(c)(2), and 10 CFR part 50, Appendix E, Section IV, is to provide reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency, to establish plume exposure and ingestion pathway emergency planning zones for nuclear power plants, and to ensure that licensees maintain effective offsite and onsite radiological emergency preparedness plans. The standards and requirements in these regulations were developed by considering the risks associated with operation of a nuclear power reactor at its licensed full-power level. These risks include the potential for a reactor accident with offsite radiological dose consequences.

As discussed previously in Section III, because DAEC is permanently shut down and defueled, there will no longer be a risk of a significant offsite radiological release from a design-basis accident exceeding EPA early phase PAGs at the exclusion area boundary, and the risk of a significant offsite radiological release from a beyond-design-basis accident is greatly reduced when compared to an operating power reactor. The NRC staff has confirmed the reduced risks at DAEC by comparing the generic risk assumptions in the analyses in NUREG–1738 to site-specific conditions at DAEC and determined that the risk values in NUREG–1738 bound the risks presented for DAEC. As indicated by the results of the research conducted for NUREG–1738, and more recently for NUREG–2161, ''Consequence Study of a Beyond-Design-Basis Earthquake Affecting the Spent Fuel Pool for a U.S. Mark I Boiling Water Reactor,'' dated September 2014 (ADAMS Accession No. ML14255A365), while other consequences can be extensive, accidents from SFPs with significant decay time have little potential to cause offsite early fatalities, even if the formal offsite radiological EP requirements were relaxed. The licensee's analysis of a beyond-design-basis accident involving a complete loss of SFP water inventory, based on an adiabatic heatup analysis of the limiting fuel assembly for decay heat, shows that 10 months after permanent cessation of power operations at DAEC, the time for the limiting fuel assembly to reach 900 °C is at least 10 hours after the assemblies have been uncovered assuming a loss of all cooling means.

The only analyzed beyond-design-basis accident scenario that progresses to a condition where a significant offsite release might occur, involves the highly unlikely event where the SFP drains in such a way that all modes of cooling or heat transfer are assumed to be unavailable, which is referred to as an adiabatic heatup of the spent fuel. The licensee's analysis of this beyond-design-basis accident shows that 10 months after permanent cessation of power operations, at least 10 hours would be available between the time the fuel is initially uncovered (at which time adiabatic heatup is conservatively assumed to begin), until the fuel cladding reaches a temperature of 900 °C, which is the temperature associated with rapid cladding oxidation and the potential for a significant radiological release. This analysis conservatively does not include the period of time from the initiating event causing a loss of SFP water inventory until all cooling means are lost.

The NRC staff has verified the licensee's analyses and its calculations. The analyses provide reasonable assurance that in granting the requested exemptions to the licensee, there is no design-basis accident that will result in an offsite radiological release exceeding the EPA early phase PAGs at the exclusion area boundary. In the highly unlikely event of a beyond-design-basis accident affecting the SFP that results in a complete loss of heat removal via all modes of heat transfer, there will be at least 10 hours available before an offsite release might occur and, therefore, at least 10 hours to initiate appropriate mitigating actions to restore a means of heat removal to the spent fuel. If a radiological release were projected to occur under this highly unlikely scenario, a minimum of 10 hours is considered sufficient time for offsite authorities to implement protective actions using a CEMP approach to protect the health and safety of the public.

Exemptions from the offsite EP requirements in 10 CFR part 50 have previously been approved by the NRC when the site-specific analyses show that at least 10 hours is available following a loss of SFP coolant inventory with no air cooling (or other methods of removing decay heat) until cladding of the hottest fuel assembly reaches the rapid oxidation temperature. The NRC staff concluded in its previously granted exemptions, as it does with the licensee's requested EP exemptions, that if a minimum of 10 hours is available to initiate mitigative actions consistent with plant conditions or, if needed, for offsite authorities to implement protective actions using a CEMP approach, then formal offsite radiological emergency preparedness plans, required under 10 CFR part 50, are not necessary at permanently shutdown and defueled facilities.

Additionally, DAEC committed to maintaining SFP makeup strategies in its letters to the NRC dated April 2 and October 7, 2020. The multiple strategies for providing makeup to the SFP include: Using various existing plant systems for inventory makeup and an internal strategy that relies on the fire protection system with redundant pumps (one diesel-driven and one electric motor-driven) that can take

suction from the Cedar River. These strategies will continue to be required as License Condition 2.C.(9), ''Mitigation Strategy License Condition,'' of Renewed Facility License No. DPR–49 for DAEC. Considering the very low probability of beyond-design-basis accidents affecting the SFP, these diverse strategies provide multiple methods to obtain additional makeup or spray to the SFP before the onset of any postulated offsite radiological release.

For all of the reasons stated above, the NRC staff finds that the licensee's requested exemptions meet the underlying purpose of all of the standards in 10 CFR 50.47(b), as well as the requirements in 10 CFR 50.47(c)(2) and 10 CFR part 50, Appendix E, and satisfy the special circumstances provision in 10 CFR 50.12(a)(2)(ii) in view of the greatly reduced risk of offsite radiological consequences associated with the permanently shutdown and defueled state of the DAEC facility 10 months after the facility permanently ceases operation.

The NRC staff has concluded that the exemptions being granted by this action will maintain an acceptable level of emergency preparedness at DAEC and, if needed, that there is reasonable assurance that adequate offsite protective measures can and will be taken by State and local government agencies using a CEMP approach in the highly unlikely event of a radiological emergency at DAEC. Since the underlying purpose of the rules, as exempted, would continue to be achieved, even with the elimination of the requirements under 10 CFR part 50 to maintain formal offsite radiological emergency preparedness plans and the reduction in the scope of the onsite EP activities at DAEC, the special circumstances required by 10 CFR 50.12(a)(2)(ii) exist.

E. Environmental Considerations

In accordance with 10 CFR 51.31(a), the Commission has determined that the granting of this exemption will not have a significant effect on the quality of the human environment as discussed in the NRC staff's Finding of No Significant Impact and associated Environmental Assessment published in the **Federal Register** on March 19, 2021 (86 FR 14960).

IV. Conclusions

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, the licensee's request for exemptions from certain EP requirements in 10 CFR 50.47(b), 10 CFR 50.47(c)(2), and 10 CFR part 50, Appendix E, Section IV, and as summarized in Enclosure 2 to SECY–21–0006, are authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security. Also, special circumstances are present. Therefore, the Commission hereby grants NEDA's exemptions from certain EP requirements in 10 CFR 50.47(b), 10 CFR 50.47(c)(2), and 10 CFR part 50, Appendix E, Section IV, as discussed and evaluated in detail in the NRC staff's safety evaluation dated April 13, 2021. The exemptions are effective as of 10 months after permanent cessation of power operations at DAEC, which is June 10, 2021.

Dated this 13th day of April, 2021.

For the Nuclear Regulatory Commission.

Patricia K. Holahan,

Director, Division of Decommissioning, Uranium Recovery, and Waste Programs, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2021–07869 Filed 4–15–21; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 34241; 812–15189]

Azzad Funds and Azzad Asset Management, Inc.; Notice of Application

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice.

SUMMARY: The following is a summary of the application between Azzad Funds and Azzad Asset Management, Inc.

DATES: The application was filed on December 30, 2020, and amended on March 26, 2021.

ADDRESSES: The Commission: *Secretarys-Office@sec.gov.* The Trust and the Initial Adviser: *mfouz@azzad.net* (with a copy to *Cassandra.Borchers@ThompsonHine.com*).

FOR FURTHER INFORMATION CONTACT: Christine Y. Greenlees, Senior Counsel, at (202) 551–6879, or Lisa Reid Ragen, Branch Chief at (202) 551–6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: Notice of an application under section 6(c) of the Investment Company Act of 1940 (''Act'') for an exemption from section 15(a) of the Act, as well as from certain disclosure requirements in rule 20a–1 under the Act, Item 19(a)(3) of Form N–1A, Items 22(c)(1)(ii), 22(c)(1)(iii), 22(c)(8) and 22(c)(9) of Schedule 14A under the Securities Exchange Act of 1934 (''1934 Act''), and sections 6–07(2)(a), (b), and (c) of Regulation S–X (''Disclosure Requirements'').

Applicants: Azzad Funds (the ''Trust''), a Massachusetts business trust registered under the Act as an open-end management investment company with multiple series, which include the Azzad Wise Capital Fund and the Azzad Ethical Fund (each a ''Fund''), and Azzad Asset Management, Inc. (''Initial Adviser''), a Delaware corporation registered as an investment adviser under the Investment Advisers Act of 1940 (''Advisers Act'') that serves as an investment adviser to the Funds (collectively with the Trust, the ''Applicants'').

Summary of Application: The requested exemption would permit Applicants to enter into and materially amend subadvisory agreements with subadvisers without shareholder approval and would grant relief from the Disclosure Requirements as they relate to fees paid to the subadvisers.

Hearing or Notification of Hearing: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by emailing the Commission's Secretary at *Secretarys-Office@sec.gov* and serving applicants with a copy of the request by email. Hearing requests should be received by the Commission by 5:30 p.m. on April 29, 2021, and should be accompanied by proof of service on the applicants, in the form of an affidavit, or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing the Commission's Secretary at *Secretarys-Office@sec.gov.*

The complete application may be obtained via the Commission's website by searching for the file number or an Applicant using the ''Company'' name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

I. Requested Exemptive Relief

1. Applicants request an order to permit the Adviser,[1] subject to the

[1] The term ''Adviser'' means (i) the Initial Adviser, (ii) its successors, and (iii) any entity controlling, controlled by or under common control with, the Initial Adviser or its successors that serves as the primary adviser to a Subadvised Fund (as defined below). For the purposes of the requested

Continued

approval of the board of trustees of the Trust (collectively, the ''Board''),[2] including a majority of the trustees who are not ''interested persons'' of the Trust or the Adviser, as defined in section 2(a)(19) of the Act (the ''Independent Trustees''), without obtaining shareholder approval, to: (i) Select investment subadvisers (''Subadvisers'') for all or a portion of the assets of one or more of the Funds pursuant to an investment subadvisory agreement with each Subadviser (each a ''Subadvisory Agreement''); and (ii) materially amend Subadvisory Agreements with the Subadvisers.

2. Applicants also request an order exempting the Subadvised Funds (as defined below) from the Disclosure Requirements, which require each Fund to disclose fees paid to a Subadviser. Applicants seek relief to permit each Subadvised Fund to disclose (as a dollar amount and a percentage of the Fund's net assets): (i) The aggregate fees paid to the Adviser and any Wholly-Owned Subadvisers; and (ii) the aggregate fees paid to Affiliated and Non-Affiliated Subadvisers (''Aggregate Fee Disclosure'').[3] Applicants seek an exemption to permit a Subadvised Fund to include only the Aggregate Fee Disclosure.[4]

3. Applicants request that the relief apply to Applicants, as well as to any future Fund and any other existing or future registered open-end management investment company or series thereof that intends to rely on the requested order in the future and that: (i) Is advised by the Adviser; (ii) uses the multi-manager structure described in the application; and (iii) complies with the terms and conditions of the application (each, a ''Subadvised Fund'').[5]

II. Management of the Subadvised Funds

4. The Adviser serves or will serve as the investment adviser to each Subadvised Fund pursuant to an investment advisory agreement with the Fund (each an ''Investment Advisory Agreement''). Each Investment Advisory Agreement has been or will be approved by the Board, including a majority of the Independent Trustees, and by the shareholders of the relevant Subadvised Fund in the manner required by sections 15(a) and 15(c) of the Act. The terms of these Investment Advisory Agreements comply or will comply with section 15(a) of the Act. Applicants are not seeking an exemption from the Act with respect to the Investment Advisory Agreements. Pursuant to the terms of each Investment Advisory Agreement, the Adviser, subject to the oversight of the Board, will provide continuous investment management for each Subadvised Fund. For its services to each Subadvised Fund, the Adviser receives or will receive an investment advisory fee from that Fund as specified in the applicable Investment Advisory Agreement.

5. Consistent with the terms of each Investment Advisory Agreement, the Adviser may, subject to the approval of the Board, including a majority of the Independent Trustees, and the shareholders of the applicable Subadvised Fund (if required by applicable law), delegate portfolio management responsibilities of all or a portion of the assets of a Subadvised Fund to a Subadviser. The Adviser will retain overall responsibility for the management and investment of the assets of each Subadvised Fund. This responsibility includes recommending the removal or replacement of Subadvisers, allocating the portion of that Subadvised Fund's assets to any given Subadviser and reallocating those assets as necessary from time to time.[6] The Subadvisers will be ''investment advisers'' to the Subadvised Funds within the meaning of section 2(a)(20) of the Act and will provide investment management services to the Funds subject to, without limitation, the requirements of sections 15(c) and 36(b) of the Act.[7] The Subadvisers, subject to the oversight of the Adviser and the Board, will determine the securities and other investments to be purchased, sold or entered into by a Subadvised Fund's portfolio or a portion thereof, and will place orders with brokers or dealers that they select.[8]

6. The Subadvisory Agreements will be approved by the Board, including a majority of the Independent Trustees, in accordance with sections 15(a) and 15(c) of the Act. In addition, the terms of each Subadvisory Agreement will comply fully with the requirements of section 15(a) of the Act. The Adviser may compensate the Subadvisers or the Subadvised Funds may compensate the Subadvisers directly.

7. Subadvised Funds will inform shareholders of the hiring of a new Subadviser pursuant to the following procedures (''Modified Notice and Access Procedures''): (a) Within 90 days after a new Subadviser is hired for any Subadvised Fund, that Fund will send its shareholders either a Multi-manager Notice or a Multi-manager Notice and Multi-manager Information Statement; [9] and (b) the Subadvised Fund will make the Multi-manager Information Statement available on the website identified in the Multi-manager Notice

order, ''successor'' is limited to an entity that results from a reorganization into another jurisdiction or a change in the type of business organization.

[2] The term ''Board'' also includes the board of trustees or directors of a future Subadvised Fund (as defined below), if different from the board of trustees of the Trust.

[3] A ''Wholly-Owned Subadviser'' is any investment adviser that is (1) an indirect or direct ''wholly-owned subsidiary'' (as such term is defined in section 2(a)(43) of the 1940 Act) of the Adviser, (2) a ''sister company'' of the Adviser that is an indirect or direct ''wholly-owned subsidiary'' of the same company that indirectly or directly wholly owns the Adviser (the Adviser's ''parent company''), or (3) a parent company of the Adviser. A ''Non-Affiliated Subadviser'' is any investment adviser that is not an ''affiliated person'' (as defined in the 1940 Act) of a Fund or the Adviser, except to the extent that an affiliation arises solely because the Subadviser serves as a subadviser to one or more Funds. Section 2(a)(43) of the 1940 Act defines ''wholly-owned subsidiary'' of a person as a company 95 per centum or more of the outstanding voting securities of which are, directly or indirectly, owned by such a person.

[4] Applicants note that all other items required by sections 6–07(2)(a), (b) and (c) of Regulation S–X will be disclosed.

[5] All registered open-end investment companies that currently intend to rely on the requested order are named as Applicants. Any entity that relies on the requested order will do so only in accordance with the terms and conditions contained in the application.

[6] Applicants represent that if the name of any Subadvised Fund contains the name of a subadviser, the name of the Adviser that serves as the primary adviser to the Fund, or a trademark or trade name that is owned by or publicly used to identify the Adviser, will precede the name of the subadviser.

[7] The Subadvisers will be registered with the Commission as an investment adviser under the Advisers Act or not subject to such registration.

[8] A ''Subadviser'' also includes an investment subadviser that provides or will provide the Adviser with a model portfolio reflecting a specific strategy, style or focus with respect to the investment of all or a portion of a Subadvised Fund's assets. The Adviser may use the model portfolio to determine the securities and other instruments to be purchased, sold or entered into by a Subadvised Fund's portfolio or a portion thereof, and place orders with brokers or dealers that it selects.

[9] A ''Multi-manager Notice'' will be modeled on a Notice of internet Availability as defined in Rule 14a–16 under the 1934 Act, and specifically will, among other things: (a) Summarize the relevant information regarding the new Subadviser (except as modified to permit Aggregate Fee Disclosure); (b) inform shareholders that the Multi-manager Information Statement is available on a website; (c) provide the website address; (d) state the time period during which the Multi-manager Information Statement will remain available on that website; (e) provide instructions for accessing and printing the Multi-manager Information Statement; and (f) instruct the shareholder that a paper or email copy of the Multi-manager Information Statement may be obtained, without charge, by contacting the Subadvised Fund. A ''Multi-manager Information Statement'' will meet the requirements of Regulation 14C, Schedule 14C and Item 22 of Schedule 14A under the 1934 Act for an information statement, except as modified by the requested order to permit Aggregate Fee Disclosure. Multi-manager Information Statements will be filed with the Commission via the EDGAR system.

no later than when the Multi-manager Notice (or Multi-manager Notice and Multi-manager Information Statement) is first sent to shareholders, and will maintain it on that website for at least 90 days.[10]

III. Applicable Law

8. Section 15(a) of the Act states, in part, that it is unlawful for any person to act as an investment adviser to a registered investment company ''except pursuant to a written contract, which contract, whether with such registered company or with an investment adviser of such registered company, has been approved by the vote of a majority of the outstanding voting securities of such registered company.''

9. Form N–1A is the registration statement used by open-end investment companies. Item 19(a)(3) of Form N–1A requires a registered investment company to disclose in its statement of additional information the method of computing the ''advisory fee payable'' by the investment company with respect to each investment adviser, including the total dollar amounts that the investment company ''paid to the adviser (aggregated with amounts paid to affiliated advisers, if any), and any advisers who are not affiliated persons of the adviser, under the investment advisory contract for the last three fiscal years.''

10. Rule 20a–1 under the Act requires proxies solicited with respect to a registered investment company to comply with Schedule 14A under the 1934 Act. Items 22(c)(1)(ii), 22(c)(1)(iii), 22(c)(8) and 22(c)(9) of Schedule 14A, taken together, require a proxy statement for a shareholder meeting at which the advisory contract will be voted upon to include the ''rate of compensation of the investment adviser,'' the ''aggregate amount of the investment adviser's fee,'' a description of the ''terms of the contract to be acted upon,'' and, if a change in the advisory fee is proposed, the existing and proposed fees and the difference between the two fees.

11. Regulation S–X sets forth the requirements for financial statements required to be included as part of a registered investment company's registration statement and shareholder reports filed with the Commission. Sections 6–07(2)(a), (b), and (c) of Regulation S–X require a registered investment company to include in its financial statements information about investment advisory fees.

12. Section 6(c) of the Act provides that the Commission may exempt any person, security, or transaction or any class or classes of persons, securities, or transactions from any provisions of the Act, or any rule thereunder, if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants state that the requested relief meets this standard for the reasons discussed below.

IV. Arguments in Support of the Requested Relief

13. Applicants assert that, from the perspective of the shareholder, the role of the Subadvisers is substantially equivalent to the limited role of the individual portfolio managers employed by an investment adviser to a traditional investment company. Applicants also assert that the shareholders expect the Adviser, subject to review and approval of the Board, to select a Subadviser who is in the best position to achieve the Subadvised Fund's investment objective. Applicants believe that permitting the Adviser to perform the duties for which the shareholders of the Subadvised Fund are paying the Adviser—the selection, oversight and evaluation of the Subadviser—without incurring unnecessary delays or expenses of convening special meetings of shareholders is appropriate and in the interest of the Fund's shareholders, and will allow such Fund to operate more efficiently. Applicants state that each Investment Advisory Agreement will continue to be fully subject to section 15(a) of the Act and approved by the relevant Board, including a majority of the Independent Trustees, in the manner required by section 15(a) and 15(c) of the Act.

14. Applicants submit that the requested relief meets the standards for relief under section 6(c) of the Act. Applicants state that the operation of the Subadvised Fund in the manner described in the Application must be approved by shareholders of that Fund before it may rely on the requested relief. Applicants also state that the proposed conditions to the requested relief are designed to address any potential conflicts of interest or economic incentives, and provide that shareholders are informed when new Subadvisers are hired.

15. Applicants contend that, in the circumstances described in the application, a proxy solicitation to approve the appointment of new Subadvisers provides no more meaningful information to shareholders than the proposed Multi-manager Information Statement. Applicants state that, accordingly, they believe the requested relief is necessary or appropriate in the public interest, and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

16. With respect to the relief permitting Aggregate Fee Disclosure, Applicants assert that disclosure of the individual fees paid to the Subadvisers does not serve any meaningful purpose. Applicants contend that the primary reasons for requiring disclosure of individual fees paid to Subadvisers are to inform shareholders of expenses to be charged by a particular Subadvised Fund and to enable shareholders to compare the fees to those of other comparable investment companies. Applicants believe that the requested relief satisfies these objectives because the Subadvised Fund's overall advisory fee will be fully disclosed and, therefore, shareholders will know what the Subadvised Fund's fees and expenses are and will be able to compare the advisory fees a Subadvised Fund is charged to those of other investment companies. In addition, Applicants assert that the requested relief would benefit shareholders of the Subadvised Fund because it would improve the Adviser's ability to negotiate the fees paid to Subadvisers. In particular, Applicants state that if the Adviser is not required to disclose the Subadvisers' fees to the public, the Adviser may be able to negotiate rates that are below a Subadviser's ''posted'' amounts. Applicants assert that the relief will also encourage Subadvisers to negotiate lower subadvisory fees with the Adviser if the lower fees are not required to be made public.

V. Relief for Affiliated Subadvisers

17. The Commission has granted the requested relief with respect to Wholly-Owned and Non-Affiliated Subadvisers through numerous exemptive orders. The Commission also has extended the requested relief to Affiliated Subadvisers.[11] Applicants state that although the Adviser's judgment in recommending a Subadviser can be affected by certain conflicts, they do not warrant denying the extension of the requested relief to Affiliated

[10] In addition, Applicants represent that whenever a Subadviser is hired or terminated, or a Subadvisory Agreement is materially amended, the Subadvised Fund's prospectus and statement of additional information will be supplemented promptly pursuant to rule 497(e) under the Securities Act of 1933.

[11] *See Carillon Series Trust and Carillon Tower Advisers, Inc.,* Investment Company Act Rel. Nos. 33464 (May 2, 2019) (notice) and 33494 (May 29, 2019) (order).

Subadvisers. Specifically, the Adviser faces those conflicts in allocating fund assets between itself and a Subadviser, and across Subadvisers, as it has an interest in considering the benefit it will receive, directly or indirectly, from the fee the Subadvised Fund pays for the management of those assets. Applicants also state that to the extent the Adviser has a conflict of interest with respect to the selection of an Affiliated Subadviser, the proposed conditions are protective of shareholder interests by ensuring the Board's independence and providing the Board with the appropriate resources and information to monitor and address conflicts.

18. With respect to the relief permitting Aggregate Fee Disclosure, Applicants assert that it is appropriate to disclose only aggregate fees paid to Affiliated Subadvisers for the same reasons that similar relief has been granted previously with respect to Wholly-Owned and Non-Affiliated Subadvisers.

VI. Applicants' Conditions

Applicants agree that any order granting the requested relief will be subject to the following conditions:

1. Before a Subadvised Fund may rely on the order requested in the Application, the operation of the Subadvised Fund in the manner described in the Application will be, or has been, approved by a majority of the Subadvised Fund's outstanding voting securities as defined in the Act, or, in the case of a Subadvised Fund whose public shareholders purchase shares on the basis of a prospectus containing the disclosure contemplated by condition 2 below, by the initial shareholder before such Subadvised Fund's shares are offered to the public.

2. The prospectus for each Subadvised Fund will disclose the existence, substance and effect of any order granted pursuant to the Application. In addition, each Subadvised Fund will hold itself out to the public as employing the multi-manager structure described in the Application. The prospectus will prominently disclose that the Adviser has the ultimate responsibility, subject to oversight by the Board, to oversee the Subadvisers and recommend their hiring, termination, and replacement.

3. The Adviser will provide general management services to each Subadvised Fund, including overall supervisory responsibility for the general management and investment of the Subadvised Fund's assets, and subject to review and oversight of the Board, will (i) set the Subadvised Fund's overall investment strategies, (ii) evaluate, select, and recommend Subadvisers for all or a portion of the Subadvised Fund's assets, (iii) allocate and, when appropriate, reallocate the Subadvised Fund's assets among Subadvisers, (iv) monitor and evaluate the Subadvisers' performance, and (v) implement procedures reasonably designed to ensure that Subadvisers comply with the Subadvised Fund's investment objective, policies and restrictions.

4. Subadvised Funds will inform shareholders of the hiring of a new Subadviser within 90 days after the hiring of the new Subadviser pursuant to the Modified Notice and Access Procedures.

5. At all times, at least a majority of the Board will be Independent Trustees, and the selection and nomination of new or additional Independent Trustees will be placed within the discretion of the then-existing Independent Trustees.

6. Independent Legal Counsel, as defined in Rule 0–1(a)(6) under the Act, will be engaged to represent the Independent Trustees. The selection of such counsel will be within the discretion of the then-existing Independent Trustees.

7. Whenever a Subadviser is hired or terminated, the Adviser will provide the Board with information showing the expected impact on the profitability of the Adviser.

8. The Board must evaluate any material conflicts that may be present in a subadvisory arrangement. Specifically, whenever a subadviser change is proposed for a Subadvised Fund (''Subadviser Change'') or the Board considers an existing Subadvisory Agreement as part of its annual review process (''Subadviser Review''):

(a) The Adviser will provide the Board, to the extent not already being provided pursuant to section 15(c) of the Act, with all relevant information concerning:

(i) Any material interest in the proposed new Subadviser, in the case of a Subadviser Change, or the Subadviser in the case of a Subadviser Review, held directly or indirectly by the Adviser or a parent or sister company of the Adviser, and any material impact the proposed Subadvisory Agreement may have on that interest;

(ii) any arrangement or understanding in which the Adviser or any parent or sister company of the Adviser is a participant that (A) may have had a material effect on the proposed Subadviser Change or Subadviser Review, or (B) may be materially affected by the proposed Subadviser Change or Subadviser Review;

(iii) any material interest in a Subadviser held directly or indirectly by an officer or Trustee of the Subadvised Fund, or an officer or board member of the Adviser (other than through a pooled investment vehicle not controlled by such person); and

(iv) any other information that may be relevant to the Board in evaluating any potential material conflicts of interest in the proposed Subadviser Change or Subadviser Review.

(b) the Board, including a majority of the Independent Trustees, will make a separate finding, reflected in the Board minutes, that the Subadviser Change or continuation after Subadviser Review is in the best interests of the Subadvised Fund and its shareholders and, based on the information provided to the Board, does not involve a conflict of interest from which the Adviser, a Subadviser, any officer or Trustee of the Subadvised Fund, or any officer or board member of the Adviser derives an inappropriate advantage.

9. Each Subadvised Fund will disclose in its registration statement the Aggregate Fee Disclosure.

10. In the event that the Commission adopts a rule under the Act providing substantially similar relief to that in the order requested in the Application, the requested order will expire on the effective date of that rule.

11. Any new Subadvisory Agreement or any amendment to an existing Investment Advisory Agreement or Subadvisory Agreement that directly or indirectly results in an increase in the aggregate advisory fee rate payable by the Subadvised Fund will be submitted to the Subadvised Fund's shareholders for approval.

For the Commission, by the Division of Investment Management, under delegated authority.

J. Matthew DeLesDernier,

Assistant Director.

[FR Doc. 2021–07270 Filed 4–15–21; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91537; File No. SR–PEARL–2021–08]

Self-Regulatory Organizations; MIAX PEARL, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Regarding Rebranding of the Exchange

April 12, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934

(''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 30, 2021, MIAX PEARL, LLC (''MIAX PEARL'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a 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

The Exchange is filing a proposal to amend the Exchange's Rulebooks and fee schedules to reflect a rebranding of the Exchange.

The Exchange has designated the proposed rule change as one being concerned solely with the administration of the Exchange pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(3) thereunder,[4] which renders the proposal effective upon filing with the Commission.

The text of the proposed rule change is available on the Exchange's website at *http://www.miaxoptions.com/rule-filings/pearl* at MIAX PEARL's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Exchange's Rulebook[5] and the Fee Schedules applicable to the Exchange's options and equities platforms (collectively, the ''Fee Schedules'')[6] as part of a non-substantive marketing effort to rebrand the Exchange. Pursuant to this proposal, the Exchange proposes to rebrand references to the fully-capitalized words ''MIAX PEARL'' to now be ''MIAX Pearl,'' throughout the Exchange's Rulebook and the Fee Schedules.[7] The Exchange does not propose to amend its legal name, ''MIAX PEARL, LLC,'' and thus, does not propose to amend its Restated Certificate of Incorporation (''Certificate of Incorporation''),[8] Amended and Restated Bylaws of the Exchange (''Bylaws''),[9] or the Second Amended and Restated Limited Liability Company Agreement of the Exchange (''LLC Agreement''),[10] to reflect the rebranding change. The rebranded term ''MIAX Pearl'' will represent the same entity as its legal name, ''MIAX PEARL.''

Specifically, with the proposed rebranding, references in the Exchange's Rulebook and Fee Schedules to ''MIAX PEARL'' will be rebranded to ''MIAX Pearl.''

The rebranding of references to ''MIAX PEARL'' to now be to ''MIAX Pearl'' consists of non-substantive changes due to a recent rebranding effort conducted by the Exchange, as well as its affiliates, Miami International Securities Exchange, LLC (''MIAX'') and MIAX Emerald, LLC (''MIAX Emerald''). The Exchange proposes to implement the rebranding changes for marketing purposes. With the rebranding changes, the term ''MIAX Pearl'' will be consistent with how its affiliate, MIAX Emerald, LLC, is named. The Exchange notes that no changes to the ownership or structure of the Exchange have taken place and that the term ''MIAX Pearl'' will represent the same entity as the legal entity's name, ''MIAX PEARL.'' In lieu of providing a copy of the marked changes, the Exchange represents that it will make the necessary non-substantive revisions to the Exchange's Rulebook and the Fee Schedules for its options and equities platforms and post updated versions of each on the Exchange's website pursuant to Rule 19b–4(m)(2).[11]

Additionally, the Exchange intends to file similar proposals to rebrand the Rulebooks and Fee Schedules of the Exchange's affiliates, MIAX and MIAX Emerald, to amend references to ''MIAX PEARL'' to now be ''MIAX Pearl,'' which will reflect the same rebranding changes described herein.

2. Statutory Basis

The Exchange believes that its proposed rule change is consistent with Section 6(b) of the Act[12] in general, and furthers the objectives of Section 6(b)(5) of the Act[13] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, promotes just and equitable principles of trade, fosters cooperation and coordination with persons engaged in facilitating transactions in securities, removes impediments to and perfects the mechanisms of a free and open market and a national market system and, in general, protects investors and the public interest because the proposal will eliminate potential confusion on the part of market participants using the products and services of the Exchange in light of the corporate rebranding that the Exchange has undergone.

The Exchange also believes that the proposed rule change is consistent with Section 6(b)(1) of the Act[14] in that it aims to continue to ensure that the Exchange has the capacity to carry out the purposes of the Act and to enforce compliance by its Members[15] and Equities Members[16] with the provisions of the Act as well as the rules and regulations thereunder. The Exchange proposes to amend the Rulebook and

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(3).

[5] *See* MIAX PEARL Rulebook, as of Mar. 15, 2021, available at: *https://www.miaxoptions.com/sites/default/files/page-files/MIAX_PEARL_Exchange_Rules_03152021.pdf.*

[6] *See* MIAX PEARL Fee Schedule, as of Mar. 1, 2021, available at: *https://www.miaxoptions.com/sites/default/files/fee_schedule-files/MIAX_PEARL_Options_Fee_Schedule_03012021.pdf; MIAX PEARL Equities Fee Schedule, as of January 29, 2021, available at: https://www.miaxoptions.com/sites/default/files/fee_schedule-files/MIAX_PEARL_Equities_Fee_Schedule_01292021.pdf.*

[7] All references to the Exchange's legal name will remain ''MIAX PEARL, LLC.'' This includes references to ''MIAX PEARL, LLC'' in Exchange Rule 100 for the definition for ''Exchange'' and ''MIAX PEARL,'' as well as in Exchange Rule 1901 for the definition for ''MIAX Pearl Equities.'' For marketing purposes throughout the Rulebook and Fee Schedules, the Exchange will otherwise be referred to as ''MIAX Pearl'' or ''Exchange.''

[8] *See* Restated Certificate of Formation of MIAX PEARL, LLC, filed on Nov. 12, 2020, available at: *https://www.miaxoptions.com/sites/default/files/page-files/MIAX_PEARL_Restated_Certificate_of_Formation_11122020.pdf.*

[9] *See* Amended and Restated By-Laws of MIAX PEARL, LLC, effective on Nov. 12, 2020, available at: *https://www.miaxoptions.com/sites/default/files/page-files/MIAX_PEARL_Amended_and_Restated_By-Laws_11122020.pdf.*

[10] *See* Second Amended and Restated Limited Liability Company Agreement of MIAX PEARL, LLC, effective on Nov. 12, 2020, available at: *https://www.miaxoptions.com/sites/default/files/page-files/MIAX_PEARL_Second_Amended_and_Restated_LLC_Agreement_11122020.pdf.*

[11] 17 CFR 240.19b–4(m)(2).

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

[14] 15 U.S.C. 78f(b)(1).

[15] The term ''Member'' means an individual or organization that is registered with the Exchange pursuant to Chapter II of the Exchange's Rulebook for purposes of trading on the Exchange as an ''Electronic Exchange Member'' or ''Market Maker.'' Members are deemed ''members'' under the Exchange Act. *See* Exchange Rule 100.

[16] The term ''Equities Member'' means a Member authorized by the Exchange to transact business on MIAX PEARL Equities. *See* Exchange Rule 1901.

the Fee Schedules to rebrand references to ''MIAX PEARL'' to now be ''MIAX Pearl.'' The proposed rebrand consists of non-substantive changes to the Rulebook and the Fee Schedules of the Exchange so that the term ''MIAX Pearl'' is consistent with its affiliate, MIAX Emerald, as part of a broader marketing effort by the Exchange and its affiliates, MIAX and MIAX Emerald. Therefore, the Exchange believes that the rebrand will protect investors and the public interest by eliminating confusion that may exist because of differences in the other naming conventions of the Exchange. No changes to the ownership or structure of the Exchange have taken place. The Exchange notes that the term ''MIAX Pearl'' will represent the same entity as ''MIAX PEARL.'' The Exchange notes that its affiliates, MIAX and MIAX Emerald, will file similar proposals to amend their Rulebooks and Fee Schedules to rebrand references to ''MIAX PEARL'' to now be to ''MIAX Pearl,'' to provide uniformity among the Exchange, MIAX and MIAX Emerald, to avoid potential confusion by market participants.

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 the proposal will impose any burden on intra-market competition because the proposed rule change is not a competitive filing but rather is designed to effectuate the Exchange's rebranding of references to ''MIAX PEARL'' to now be ''MIAX Pearl,'' as part of a corporate rebranding and marketing strategy. The proposed changes to the Exchange's Rulebook and Fee Schedules will help provide clarity and uniformity to avoid potential confusion on the part of market participants because the rebrand of ''MIAX Pearl'' is part of a broader rebranding and marketing effort by the Exchange and its affiliates, MIAX and MIAX Emerald. In addition, the Exchange does not believe the proposal will impose any burden on inter-market competition as the proposal does not address any competitive issues and is intended to protect investors by providing further transparency regarding the Exchange's Rulebook and Fee Schedules.

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) of the Act [17] and Rule 19b–4(f)(3) [18] thereunder, in that the proposed rule change is concerned solely with the administration of the self-regulatory organization.

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 to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR-PEARL–2021–08 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–PEARL–2021–08. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–PEARL–2021–08 and should be submitted on or before May 7, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–07788 Filed 4–15–21; 8:45 am]

BILLING CODE 8011–01–P

[17] 15 U.S.C. 78s(b)(3)(A).

[18] 17 CFR 240.19b–4(f)(3).

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91530; File No. SR–CboeBZX–2021–025]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule

April 12, 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 April 1, 2021, Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') 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.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') is filing with the Securities and Exchange Commission (''Commission'') a proposed rule change to amend its Fee Schedule. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/equities/regulation/rule_filings/bzx/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its fee schedule for its equity options platform (''BZX Options'') in connection with its Market Maker Penny Add Volume Tiers, effective April 1, 2021.

The Exchange first notes that it 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 or incentives to be insufficient. More specifically, the Exchange is only one of 16 options venues to which market participants may direct their order flow. Based on publicly available information, no single options exchange has more than 15% of the market share and currently the Exchange represents only approximately 8% of the market share.[3] Thus, in such a low-concentrated and highly competitive market, no single options exchange, including the Exchange, possesses significant pricing power in the execution of option order flow. The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can shift order flow or discontinue to reduce use of certain categories of products, in response to fee changes. Accordingly, competitive forces constrain the Exchange's transaction fees, and market participants can readily trade on competing venues if they deem pricing levels at those other venues to be more favorable. The Exchange's fee schedule sets forth standard rebates and rates applied per contract, which varies depending on the Member's Capacity (Customer, Firm, Market Maker, etc.), whether the order adds or removes liquidity, and whether the order is in Penny or Non-Penny Pilot Securities. Additionally, in response to the competitive environment, the Exchange also offers tiered pricing which provides Members opportunities to qualify for higher rebates or reduced fees where certain volume criteria and thresholds are met. Tiered pricing provides an incremental incentive for Members to strive for higher tier levels, which provides increasingly higher benefits or discounts for satisfying increasingly more stringent criteria.

For example, the Exchange currently offers 13 Market Maker Penny Add Volume Tiers under footnote 6 of the Fee Schedule which provide additional rebates between $0.33 and $0.46 per contract for qualifying Market Maker orders (*i.e.,* that yield fee code PM or XM)[4] where a Member meets certain liquidity thresholds. For example, current Tier 12 offers an enhanced rebate of $0.44 per contract for qualifying orders where a Member has a Step-Up ADAV[5] in Market Maker orders from December 2020 greater or equal to 0.05% of OCV[6] and is an LMM in at least 85 LMM Securities on BZX Equities.[7] The Exchange now proposes to amend Market Maker Penny Add Volume Tiers by adding a new Tier 7[8] and by updating the current criteria in Tier 12.

The proposed rule change adopts new Tier 7, which offers an enhanced rebate of $0.42 per contract for qualifying Market Maker orders (*i.e.,* that yield fee code PM or XM) where a Member has a Step-Up ADAV in Market Maker orders from March 2021 greater than or equal to 0.15% in average SPY/IWM/QQQ OCV, and is an LMM in at least 85 LMM Securities on BZX Equities.[9]

The proposed rule change amends the criteria in Tier 12 (Tier 13, as proposed) so that a Member must have a Step-Up ADAV in Market Maker orders from March 2021 that is greater than or equal to 0.25% of average SPY, IWM, and QQQ OCV in order to meet the first prong of Tier 12 criteria. The proposed rule change does not alter the second prong of criteria nor the enhanced rebate offered in Tier 12 (new Tier 13). As amended, Tier 12 (new Tier 13) will provide an additional opportunity for a Member to receive the same enhanced rebate of $0.44 per contract for qualifying orders.

The proposed new Tier 7 and the proposed changes to the criteria in Tier 12 (Tier 13, as proposed) are designed to continue to provide an incremental incentive for Members to strive for the highest tier levels, which provide increasingly higher rebates for such transactions. Also, the Exchange notes that the proposed criteria in Tier 7 and Tier 12 (new Tier 13) are similar to many of the existing Market Maker Penny Add Volume Tiers that currently provide criteria in which a Member must ''step up'' a percentage of ADAV or ADV[10] from a certain point in time over OCV or TCV,[11] and criteria which

[3] *See* Cboe Global Markets U.S. Options Market Month-to-Date Volume Summary (March 25, 2021), available at *https://markets.cboe.com/us/options/market_statistics/*.

[4] Orders yielding fee code PM are Market Maker orders that add liquidity in Penny Program Securities and are offered a rebate of $0.29, and orders yielding fee code XM are Market Maker orders in XSP options that add liquidity and are offered a rebate of $0.29.

[5] ''ADAV'' means average daily added volume calculated as the number of contracts added, per day.

[6] ''OCC Customer Volume'' or ''OCV'' means the total equity and ETF options volume that clears in the Customer range at the Options Clearing Corporation (''OCC'') for the month for which the fees apply, excluding volume on any day that the Exchange experiences an Exchange System Disruption and on any day with a scheduled early market close.

[7] Pursuant to BZX Equities Rules, the term ''LMM'' means a Market Maker registered with the Exchange for a particular LMM Security that has committed to maintain Minimum Performance Standards in the LMM Security, and the term ''LMM Security'' means a Listed Security that has an LMM. *See* Cboe BZX Exchange, Inc. Rule 11.8(e)(1)(B) and (C).

[8] As a result of propose new Tier 7, the proposed rule change also updated the subsequent tier numbering in current Tiers 8 through 13. The proposed rule change does not alter any of the current criteria or rebates in the subsequent tiers.

[9] Pursuant to BZX Equities Rules, the term ''LMM'' means a Market Maker registered with the Exchange for a particular LMM Security that has committed to maintain Minimum Performance Standards in the LMM Security, and the term ''LMM Security'' means a Listed Security that has an LMM. See Cboe BZX Exchange, Inc. Rule 11.8(e)(1)(C) and (D).

[10] ''ADV'' means average daily volume calculated as the number of contracts added or removed, combined, per day.

[11] ''TCV'' means total consolidated volume calculated as the volume reported by all exchanges to the consolidated transaction reporting plan for the month for which the fees apply, excluding volume on any day that the Exchange experiences

Continued

measures a Member's participation on the Exchange's equities platform. Particularly, the proposed changes are designed to incentivize Market Makers to ''step-up'' their order flow in SPY, IWM, and QQQ from a recent point in time (March 2021). The Exchange believes that attracting increased Market Maker (including LMMs) order flow to multiply-listed options on the Exchange will facilitate tighter spreads, signaling increased activity from other market participants, and thus ultimately contributing to deeper and more liquid markets and providing greater execution opportunities in these classes on the Exchange to the benefit of all market participants. Additionally, the proposed criteria regarding LMMs on the Exchange's equities platform (the same prong of criteria currently in Tier 12) encourages Members to enroll as LMMs in LMM Securities on the Exchange's equities platform, which enhances market quality in securities listed on the Exchange's equity platform. The Exchange notes that LMMs serve a crucial role in providing quotes and trading opportunities for all market participants, which can lead to increased volume, enhanced price discovery and transparency, and more robust markets overall.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,[12] in general, and furthers the objectives of Section 6(b)(4),[13] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and issuers and other persons using its facilities. The Exchange also believes that the proposed rule change is consistent with the objectives of Section 6(b)(5) [14] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest, and, particularly, is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

As described above, 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 or incentives to be insufficient. The proposed rule change reflects a competitive pricing structure designed to incentivize market participants to direct their order flow to the Exchange, which the Exchange believes would enhance market quality to the benefit of all Members. In particular, the proposed changes to the Market Maker Penny Volume Tiers are intended to attract order flow in multiply-listed options to the Exchange, as well as order flow to its equities platform, by continuing to offer competitive pricing while creating additional incentives for Market Makers to provide increased liquidity in such options and to BZX Equities, which the Exchange believes would enhance market quality across both its options and equities markets to the benefit of all market participants.

In particular, the Exchange believes the proposed tiers are reasonable because they provides an additional opportunity and amends an existing opportunity for Members to receive an enhanced rebate on qualifying orders in a manner that incentivizes increased Market Maker order flow in certain multiply-listed options on the Exchange and increased LMM participation on the Exchange's equities platform. The Exchange notes that volume-based incentives and discounts have been widely adopted by exchanges,[15] including the Exchange,[16] and are reasonable, equitable and non-discriminatory because they are open to all Members on an equal basis and provide additional benefits or discounts that are reasonably related to (i) the value to an exchange's market quality and (ii) associated higher levels of market activity, such as higher levels of liquidity provision and/or growth patterns.

The Exchange believes the proposed additional Market Maker Penny Add Volume Tier 7 and amendment to criteria in current Tier 12 (new Tier 13) are reasonable means to encourage Market Makers to increase their order flow to specific multiply-listed options on the Exchange, as well as their participation in securities on the Exchange's equities platform. More specifically, the Exchange believes that adopting a new tier and amending an existing tier offers alternative criteria to the existing Market Maker Penny Add Volume Tiers that may encourage those Members who could not previously achieve the criteria under existing Market Maker Volume Tiers 7 and 8 (which offer the same enhanced rebate of $0.42 per contract as proposed Tier 7) or the existing criteria under current Tier 10, 11, or 12 (all of which continue to offer the same enhanced rebate of $0.44 per contract) to increase their order flow to multiply-listed options on the Exchange and to BZX Equities. For example, the proposed criteria in new Tier 7 and Tier 12 (new Tier 13) provide additional rebate opportunities for Market Makers who increase their ADAV in Market Makers orders in certain products (SPY, IWM, and QQQ) over OCV by at least 0.15% or 0.25%, respectively, from March 2021 and participate as an LMM in at least 85 LMM Securities on BZX Equities (as proposed in new Tier 7 and as is currently the case in Tier 12), but do not meet any of the different, yet comparable, prongs of criteria under current Tier 7 or 8, or under current Tier 10, 11, or 12. Overall, the proposed tiers provide alternative opportunities for Members to receive enhanced rebates, as are thereby reasonably designed to incentivize Market Makers to grow their volume in specific multiply-listed options while also increasing their participation on BZX Equities. The Exchange notes that increased Market Maker activity (including LMMs), particularly, facilitates tighter spreads and an increase in overall liquidity provider activity, both of which signal additional corresponding increase in order flow from other market participants, contributing towards a robust, well-balanced market ecosystem, particularly in multiply-listed options on the Exchange and on the Exchange's equities platform. Indeed, increased overall order flow benefits investors across both the Exchange's options and equities platforms by continuing to deepen the Exchange's liquidity pool, potentially providing even greater execution incentives and opportunities, offering additional flexibility for all investors to enjoy cost savings, supporting the quality of price

an Exchange System Disruption and on any day with a scheduled early market close.

[12] 15 U.S.C. 78f.

[13] 15 U.S.C. 78f(b)(4).

[14] 15 U.S.C. 78f.(b)(5).

[15] *See e.g.,* NYSE Arca Options Fee Schedule, Market Maker Penny and SPY Posting Credit Tiers. NYSE Arca also provides various discounts for its LMMs throughout its fee schedule; *see also* Nasdaq ISE Pricing Schedule, Section 3, Footnote 5, which provides for tiered rebates for market-maker SPY orders that add liquidity between $0.05–$0.26 per contract, tiered rebates for market maker IWM and QCC orders that add liquidity between $0.05 and $0.26 per contract, and tiered rebates for market maker orders in similar, single-name options (AMZN, FB, and NVDA) between $0.15 and $0.22.

[16] *See e.g.,* BZX Options Fee Schedule, Footnote 6, Market Maker Penny Add Volume Tiers.

discovery, promoting market transparency and improving investor protection.

The Exchange also believes that proposed enhanced rebate offered under new Tier 7 is reasonably based on the difficulty of satisfying the proposed tier's criteria and ensures the proposed rebate and thresholds appropriately reflect the incremental difficulty in achieving the existing Market Maker Penny Add Volume Tiers. The Exchange believes that the proposed enhanced rebate is in line with the enhanced rebates currently offered under the Exchange's existing Market Maker Penny Add Volume Tiers. Indeed, the proposed enhanced rebate amount offered under new Tier 7 ($0.42) is the same amount offered by surrounding Tier 7 (new Tier 8) and Tier 8 (new Tier 9), which offer different criteria that the Exchange believes in comparable in difficulty, and is incrementally higher than Tier 6 ($0.41), which offers slightly less stringent criteria than proposed Tier 7. The Exchange again notes that the proposed changes to Tier 12 (new Tier 13) do not alter the current enhanced rebate amount offered under the tier.

The Exchange also believes it is reasonable, equitable and not unfairly discriminatory to adopt pricing specific to certain orders in SPY, IWM and QQQ as the Exchange already offers product-specific pricing for certain orders in other products, such as RUT and XSP.[17] Additionally, and as noted above, other exchanges similarly provide for product-specific tiered pricing.[18]

The Exchange believes that the proposal represents an equitable allocation of fees and is not unfairly discriminatory because it applies uniformly to all Market Makers, in that all Market Makers have the opportunity to compete for and achieve the proposed tiers. The enhanced rebates (proposed and existing) will apply automatically and uniformly to all Market Makers that achieve the proposed corresponding criteria. While the Exchange has no way of knowing whether this proposed rule change would definitively result in any particular Market Maker qualifying for the proposed tiers, the Exchange believes that at least two Market Makers will reasonably be able to compete for and achieve the proposed criteria in each of proposed Tier 7 and Tier 12. The Exchange notes, however, that the proposed tiers are open to any Market-Maker that satisfies the tiers' criteria. As stated, proposed Tier 7 and amended Tier 12 are designed to provide an incentive for Members to submit additional liquidity on both BZX Options and Equities to qualify for the corresponding additional enhanced rebate. To the extent a Member participates on the Exchange but not on BZX Equities, the Exchange believes that the proposal is still reasonable, equitably allocated and non-discriminatory with respect to such Member based on the overall benefit to the Exchange resulting from the success of BZX Equities. Particularly, the Exchange believes such success allows the Exchange to continue to provide and potentially expand its existing incentive programs to the benefit of all participants on the Exchange, whether they participate on BZX Equities or not. The proposed pricing program is also fair and equitable in that membership in BZX Equities and enrollment as an LMM is available to all market participants, which would provide them with access to the benefits on BZX Equities provided by the proposed change, even where a member of BZX Equities is not necessarily eligible for the proposed enhanced rebates on the Exchange.

The Exchange lastly notes that it does not believe the proposed tiers will adversely impact any Member's pricing or ability to qualify for other tiers. Rather, should a Member not meet the proposed criteria, the Member will merely not receive the enhanced rebate corresponding to Tier 7 or Tier 12 (new Tier 13), as applicable. A Member has 12 alternative choices to aim to achieve under the Market Maker Penny Add Volume Tiers.

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 intramarket or intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. Rather, as discussed above, the Exchange believes that the proposed change would encourage the submission of additional liquidity to a public exchange, thereby promoting market depth, price discovery and transparency and enhancing order execution opportunities for all Members. As a result, the Exchange believes that the proposed change furthers the Commission's goal in adopting Regulation NMS of fostering competition among orders, which promotes ''more efficient pricing of individual stocks for all types of orders, large and small.'' [19]

The Exchange believes the proposed rule change does not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. Particularly, the proposed change applies uniformly to all Market Makers (including LMMs on BZX Equities). As described above, the Exchange believes that Market Makers (including LMMs) provide key liquidity to certain multiply-listed options on the Exchange and to the Exchange's equities platforms, facilitating tighter spreads, signaling additional corresponding increase in order flow from other market participants, and ultimately contributing towards a robust, well-balanced market ecosystem across the Exchange's options and equities platforms. To the extent a Member participates on the Exchange but not on BZX Equities, the Exchange notes that the proposed change can provide an overall benefit to the Exchange resulting from the success of BZX Equities. Such success enables the Exchange to continue to provide and potentially expand its existing incentive programs to the benefit of all participants on the Exchange, whether they participate on BZX Equities or not. The proposed pricing program is also fair and equitable in that membership in BZX Equities is available to all market participants and registration as an LMM is available equally to all BZX Equities members.

Next, the Exchange believes the proposed rule change does not impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. As previously discussed, the Exchange operates in a highly competitive market. Members have numerous alternative venues that they may participate on and director their order flow, including 15 other options exchanges and off-exchange venues. Additionally, the Exchange represents a small percentage of the overall market. Based on publicly available information, no single options exchange has more than 15% of the market share.[20] Therefore, no exchange possesses significant pricing power in the execution of option order flow. Indeed, participants can readily choose to send their orders to other exchange and off-exchange venues if they deem fee levels at those other venues to be more favorable. Moreover, the

[17] *See* Cboe BZX Options Exchange Fees Schedule, Fee Codes and Associated Fees.

[18] *See supra* note 15.

[19] Securities Exchange Act Release No. 51808, 70 FR 37495, 37498–99 (June 29, 2005) (S7–10–04) (Final Rule).

[20] *See supra* note 3.

Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [21] The fact that this market is competitive has also long been recognized by the courts. In *NetCoalition* v. *Securities and Exchange Commission*, the D.C. Circuit stated as follows: ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers' . . . .''.[22] Accordingly, the Exchange does not believe its proposed fee change imposes any burden 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

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [23] and paragraph (f) of Rule 19b–4 [24] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CboeBZX–2021–025 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-CboeBZX–2021–025. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CboeBZX–2021–025 and should be submitted on or before May 7, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[25]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–07787 Filed 4–15–21; 8:45 am]

BILLING CODE 8011–01–P

[21] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

[22] *NetCoalition* v. *SEC*, 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

[23] 15 U.S.C. 78s(b)(3)(A).

[24] 17 CFR 240.19b–4(f).

[25] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 34240; 812–15185]

SharesPost 100 Fund and Liberty Street Advisors, Inc.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice.

SUMMARY: The following is a summary of the application from SharesPost 100 Fund (the ''Initial Fund'') and Liberty Street Advisors, Inc. (the ''Adviser'' and together with the Initial Fund, the ''Applicants'').

DATES: The application was filed on December 14, 2020, and amended on March 2, 2021.

ADDRESSES: The Commission: *Secretarys-Office@sec.gov.* Applicants: c/o Andrew Nowack, by email to *anowack@libertystreetfunds.com.*

FOR FURTHER INFORMATION CONTACT: Jill Ehrlich, Senior Counsel, at (202) 551–6819; Lisa Reid Ragen, Branch Chief, at (202) 551–6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: Notice of an application under section 6(c) of the Investment Company Act of 1940 (the ''Act'') for an exemption from sections 18(a)(2), 18(c) and 18(i) of the Act, under sections 6(c) and 23(c) of the Act for an exemption from rule 23c–3 under the Act, and for an order pursuant to section 17(d) of the Act and rule 17d–1 under the Act.

Summary of Application: Applicants request an order to permit certain registered closed-end management investment companies to issue multiple classes of shares and to impose early withdrawal charges and asset-based distribution fees and/or service fees with respect to certain classes.

Applicants: SharesPost 100 Fund (the ''Initial Fund'') and Liberty Street Advisors, Inc. (the ''Adviser'' and together with the Initial Fund, the ''Applicants'').

Hearing or Notification of Hearing: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may

request a hearing by emailing the Commission's Secretary at *Secretarys-Office@sec.gov* and serving Applicants with a copy of the request by email. Hearing requests should be received by the Commission by 5:30 p.m. on April 30, 2021 and should be accompanied by proof of service on the Applicants, in the form of an affidavit, or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing to the Commission's Secretary at *Secretarys-Office@sec.gov.*

The following is a summary of the application. The complete application may be obtained via the Commission's website by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Applicants' Representations

1. The Initial Fund is a Delaware statutory trust that is registered under the Act as a closed-end management investment company and operated as an interval fund pursuant to rule 23c–3 under the Act. The investment objective of the Initial Fund is capital appreciation, which is a fundamental policy of the Initial Fund. The Initial Fund pursues its investment objective primarily by investing in the equity securities (*e.g.,* common and/or preferred stock, or equity-linked securities convertible into such equity securities) of certain private, operating, late-stage, growth companies primarily comprising the SharesPost 100, a list of companies selected and maintained by the Adviser.

2. The Adviser is a New York corporation and is an investment adviser registered with the Commission under the Investment Advisers Act of 1940. The Adviser serves as investment adviser to the Initial Fund.

3. Applicants seek an order (''Order'') to permit the Funds (as defined below) to issue multiple classes of shares, each having its own fee and expense structure and to impose early withdrawal charges (''EWCs'') and asset-based distribution and/or service fees with respect to certain classes.

4. Applicants request that the Order also apply to any continuously offered registered closed-end management investment company that has been previously organized or that may be organized in the future for which the Adviser or any entity controlling, controlled by, or under common control with the Adviser, or any successor in interest to any such entity,[1] acts as investment adviser and that operates as an interval fund pursuant to rule 23c–3 under the Act or provides periodic liquidity with respect to its shares pursuant to rule 13e–4 under the Securities Exchange Act of 1934, as amended (the ''Exchange Act'') (each, a ''Future Fund'' and together with the Initial Fund, the ''Funds'').[2]

5. The Initial Fund is currently offering Class A, Class I and Class L common shares of beneficial interest (''Initial Class Shares'') on a continuous basis in connection with its current registration statement and an exemptive order issued to the Initial Fund and its previous investment adviser by the Commission (the ''Previous Order'') [3] granting substantially the same relief as is sought herein. On December 9, 2020, the Adviser became the investment adviser to the Initial Fund, at which time the Initial Fund was no longer permitted to rely on the Previous Order.[4] Applicants state that additional offerings by any Fund relying on the Order may be on a private placement or public offering basis. Shares of the Funds will not be listed on any securities exchange, nor quoted on any quotation medium, and the Funds do not expect there to be a secondary trading market for their shares.

6. If the requested relief is granted, the Initial Fund intends to continue to continuously offer the Initial Class Shares, and may offer one or more additional classes of shares (the ''New Class Shares''). Each of the Initial Class Shares have, and each of the New Class Shares will have, its own fee and expense structure. Because of the different distribution and/or service fees, services and any other class expenses that may be attributable to each class of shares, the net income attributable to, and the dividends payable on, each class of shares may differ from each other.

7. Applicants state that, from time to time, the Funds may create additional classes of shares, the terms of which may differ from their other share classes in the following respects: (i) The amount of fees permitted by different distribution plans and/or different service fee arrangements; (ii) voting rights with respect to a distribution and/or service plan of a class; (iii) different class designations; (iv) the impact of any class expenses directly attributable to a particular class of shares allocated on a class basis as described in the application; (v) any differences in dividends and net asset value resulting from differences in fees under a distribution plan and/or service fee arrangement or in class expenses; (vi) any EWC or other sales load structure; and (vii) exchange or conversion privileges of the classes as permitted under the Act.

8. Applicants state that the Initial Fund has adopted a fundamental policy to make quarterly repurchase offers for 5% of the shares outstanding at their net asset value (''NAV'') less any repurchase fee. Such repurchase offers will be conducted pursuant to rule 23c–3 under the Act. Each of the other Funds will likewise adopt fundamental investment policies and make periodic repurchase offers to its shareholders in compliance with rule 23c–3 or will provide periodic liquidity with respect to its shares pursuant to rule 13e–4 under the Exchange Act.[5] Any repurchase offers made by the Funds will be made to all holders of shares of each such Fund as of the selected record date.

9. Applicants represent that any asset-based service and/or distribution fees for each class of shares of the Funds will comply with the provisions of FINRA rule 2341 (formerly NASD rule 2830(d)) (the ''FINRA Sales Charge Rule'').[6] Applicants also represent that each Fund will include in its prospectus

[1] A successor in interest is limited to an entity that results from a reorganization into another jurisdiction or a change in the type of business organization.

[2] Applicants represent that any of the Funds relying on this relief in the future will do so in a manner consistent with the terms and conditions of the application. Applicants further represent that each entity presently intending to rely on the requested relief is listed as an Applicant.

[3] *SharesPost 100 Fund and SP Investments Management, LLC,* Release No. 32768 (July 31, 2017)(Notice) and Release No. 32799 (Aug. 28, 2017) (Order).

[4] In reliance on the Commission staff no-action letter issued to *Innovator Capital Management, LLC, et al.* (pub. avail. October 6, 2017) and oral discussions with the Commission staff, the Applicants intend to rely on the Previous Order as if the Previous Order extended to the Adviser until the earlier of the receipt of the Order or 150 days from December 9, 2020, the execution date of the new investment advisory agreement between the Fund and the Adviser. During such time, the Adviser will comply with the terms and conditions in the Previous Order imposed on the Initial Fund's previous investment adviser as though such terms and conditions were imposed directly on the Adviser. When and if the Order is granted by the Commission, the Applicants would then rely on the Order, rather than continuing to rely on the Previous Order.

[5] Applicants submit that rule 23c–3 and Regulation M under the Exchange Act permit an interval fund to make repurchase offers to repurchase its shares while engaging in a continuous offering of its shares pursuant to Rule 415 under the Securities Act of 1933, as amended.

[6] Any reference in the application to the FINRA Sales Charge Rule includes any successor or replacement to the FINRA Sales Charge Rule.

disclosure of the fees, expenses and other characteristics of each class of shares offered for sale by the prospectus, as is required for open-end multi-class funds under Form N–1A.[7] As is required for open-end funds, each Fund will disclose fund expenses borne by shareholders during the reporting period in shareholder reports, and describe in their prospectuses any arrangements that result in breakpoints in, or elimination of, sales loads.[8] In addition, applicants will comply with applicable enhanced fee disclosure requirements for fund of funds.[9]

10. Each Fund will comply with any requirements that the Commission or FINRA may adopt regarding disclosure at the point of sale and in transaction confirmations about the costs and conflicts of interest arising out of the distribution of open-end investment company shares, and regarding prospectus disclosure of sales loads and revenue sharing arrangements, as if those requirements applied to each Fund. In addition, each Fund will contractually require that any distributor of the Fund's shares comply with such requirements in connection with the distribution of such Fund's shares.

11. Each Fund will allocate all expenses incurred by it among the various classes of shares based on the net assets of that Fund attributable to each such class, except that the net asset value and expenses of each class will reflect the expenses associated with the distribution and/or service plan of that class (if any), service fees attributable to that class (if any), including transfer agency fees, and any other incremental expenses of that class. Expenses of a Fund allocated to a particular class of shares will be borne on a pro rata basis by each outstanding share of that class. Applicants state that each Fund will comply with the provisions of rule 18f–3 under the Act as if it were an open-end investment company.

12. Applicants state that each Fund may impose an EWC on shares submitted for repurchase that have been held less than a specified period and may grant waivers of the EWCs on repurchases in connection with certain categories of shareholders or transactions established from time to time. Applicants state that each Fund will apply the EWC (and any waivers, scheduled variations or eliminations of the EWC) uniformly to all shareholders in a given class and consistently with the requirements of rule 22d–1 under the Act as if the Funds were open-end investment companies.

13. Each Fund that operates or will operate as an interval fund pursuant to rule 23c–3 under the Act may offer its shareholders an exchange feature under which the shareholders of the Fund may, in connection with such Fund's periodic repurchase offers, exchange their shares of the Fund for shares of the same class of (i) registered open-end investment companies or (ii) other registered closed-end investment companies that comply with rule 23c–3 under the Act and continuously offer their shares at net asset value, that are in the Fund's group of investment companies (collectively, the ''Other Funds''). Shares of a Fund operating pursuant to rule 23c–3 that are exchanged for shares of Other Funds will be included as part of the amount of the repurchase offer amount for such Fund as specified in rule 23c–3 under the Act. Any exchange option will comply with rule 11a-3 under the Act, as if the Fund were an open-end investment company subject to rule 11a–3. In complying with rule 11a-3, each Fund will treat an EWC as if it were a contingent deferred sales load (''CDSL'').

Applicants' Legal Analysis: Multiple Classes of Shares

1. Section 18(a)(2) of the Act provides that a closed-end investment company may not issue or sell a senior security that is a stock unless certain requirements are met. Applicants acknowledge that the creation of multiple classes of shares of the Funds may violate section 18(a)(2) because the Funds may not meet such requirements with respect to a class of shares that may be a senior security.

2. Section 18(c) of the Act provides, in relevant part, that a closed-end investment company may not issue or sell any senior security if, immediately thereafter, the company has outstanding more than one class of senior security. Applicants acknowledge that the creation of multiple classes of shares of the Funds may be prohibited by section 18(c), as a class may have priority over another class as to payment of dividends because shareholders of different classes would pay different fees and expenses.

3. Section 18(i) of the Act provides that each share of stock issued by a registered management investment company will be a voting stock and have equal voting rights with every other outstanding voting stock. Applicants acknowledge that multiple classes of shares of the Funds may violate section 18(i) of the Act because each class would be entitled to exclusive voting rights with respect to matters solely related to that class.

4. Section 6(c) of the Act provides that the Commission may exempt any person, security or transaction or any class or classes of persons, securities or transactions from any provision of the Act, or from any rule or regulation under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants request an exemption under section 6(c) from sections 18(a)(2), 18(c) and 18(i) to permit the Funds to issue multiple classes of shares.

5. Applicants submit that the proposed allocation of expenses relating to distribution and/or services and voting rights is equitable and will not discriminate against any group or class of shareholders. Applicants submit that the proposed arrangements would permit a Fund to facilitate the distribution of its securities and provide investors with a broader choice of shareholder services. Applicants assert that the proposed closed-end investment company multiple class structure does not raise concerns underlying section 18 of the Act to any greater degree than open-end investment companies' multiple class structures. Applicants state that each Fund will comply with the provisions of rule 18f–3 as if it were an open-end investment company.

Early Withdrawal Charges

1. Section 23(c) of the Act provides, in relevant part, that no registered closed-end investment company shall purchase securities of which it is the issuer, except: (a) On a securities exchange or other open market; (b) pursuant to tenders, after reasonable opportunity to submit tenders given to all holders of securities of the class to be purchased; or (c) under other circumstances as the Commission may permit by rules and regulations or orders for the protection of investors.

2. Rule 23c–3 under the Act permits a registered closed-end investment company (an ''interval fund'') to make

[7] In all respects other than class by class disclosure, each Fund will comply with the requirements of Form N–2.

[8] *See* Shareholder Reports and Quarterly Portfolio Disclosure of Registered Management Investment Companies, Investment Company Act Release No. 26372 (Feb. 27, 2004) (adopting release); and Disclosure of Breakpoint Discounts by Mutual Funds, Investment Company Act Release No. 26464 (June 7, 2004) (adopting release).

[9] Fund of Funds Investments, Investment Company Act Rel. Nos. 26198 (Oct. 1, 2003) (proposing release) and 27399 (Jun. 20, 2006) (adopting release). *See also* Rules 12d1–1, *et seq.* of the Act.

repurchase offers of between five and twenty-five percent of its outstanding shares at net asset value at periodic intervals pursuant to a fundamental policy of the interval fund. Rule 23c–3(b)(1) under the Act permits an interval fund to deduct from repurchase proceeds only a repurchase fee, not to exceed two percent of the proceeds, that is paid to the interval fund and is reasonably intended to compensate the fund for expenses directly related to the repurchase.

3. Section 23(c)(3) provides that the Commission may issue an order that would permit a closed-end investment company to repurchase its shares in circumstances in which the repurchase is made in a manner or on a basis that does not unfairly discriminate against any holders of the class or classes of securities to be purchased. Applicants state that the Initial Fund currently waives, but may charge, and Future Funds may charge, an early repurchase fee (''Early Repurchase Fee'') at a rate of no greater than 2 percent of the aggregate net asset value of a shareholder's shares repurchased by the Fund if the interval between the date of purchase of the shares and the valuation date with respect to the repurchase of those shares is less than one year. Applicants represent that any Early Repurchase Fee imposed by a Fund will apply equally to all New Class Shares and to all classes of shares of such Fund, consistent with section 18 of the Act and rule 18f–3 thereunder.

4. Applicants request relief under section 6(c), discussed above, and section 23(c)(3) from rule 23c-3 to the extent necessary for the Funds to impose EWCs on shares of the Funds submitted for repurchase that have been held for less than a specified period.

5. Applicants state that the EWCs they intend to impose are functionally similar to CDSLs imposed by open-end investment companies under rule 6c-10 under the Act. Rule 6c-10 permits open-end investment companies to impose CDSLs, subject to certain conditions. Applicants note that rule 6c–10 is grounded in policy considerations supporting the employment of CDSLs where there are adequate safeguards for the investor, and state that the same policy considerations support imposition of EWCs in the interval fund context. In addition, applicants state that EWCs may be necessary for the distributor to recover distribution costs. Applicants represent that any EWC imposed by the Funds will comply with rule 6c–10 under the Act as if the rule were applicable to closed-end funds. Applicants further represent that each Fund will disclose EWCs in accordance with the requirements of Form N–1A concerning CDSLs as if the Fund were an open-end investment company.

Asset-based Distribution and/or Service Fees

1. Section 17(d) of the Act and rule 17d–1 under the Act prohibit an affiliated person of a registered investment company, or an affiliated person of such person, acting as principal, from participating in or effecting any transaction in connection with any joint enterprise or joint arrangement in which the investment company participates unless the Commission issues an order permitting the transaction. In reviewing applications submitted under section 17(d) and rule 17d–1, the Commission considers whether the participation of the investment company in a joint enterprise or joint arrangement is consistent with the provisions, policies and purposes of the Act, and the extent to which the participation is on a basis different from or less advantageous than that of other participants.

2. Rule 17d-3 under the Act provides an exemption from section 17(d) and rule 17d–1 to permit open-end investment companies to enter into distribution arrangements pursuant to rule 12b–1 under the Act. Applicants request an Order under section 17(d) and rule 17d–1 under the Act to the extent necessary to permit the Funds to impose asset-based distribution and/or service fees. Applicants represent that the Funds will comply with rules 12b–1 and 17d–3 as if those rules applied to closed-end investment companies.

3. For the reasons stated above, applicants submit that the exemptions requested are necessary and appropriate in the public interest and are consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants further submit that the relief requested pursuant to section 23(c)(3) will be consistent with the protection of investors and will ensure that applicants do not unfairly discriminate against any holders of the class of securities to be purchased. Finally, applicants state that the Funds' imposition of asset-based distribution and/or service fees is consistent with the provisions, policies and purposes of the Act and does not involve participation on a basis different from or less advantageous than that of other participants.

Applicants' Condition:

Applicants agree that any Order granting the requested relief will be subject to the following condition:

Each Fund relying on the Order will comply with the provisions of rules 6c–10, 12b–1, 17d–3, 18f–3, 22d–1, and, where applicable, 11a–3 under the Act, as amended from time to time or replaced, as if those rules applied to closed-end management investment companies, and will comply with the FINRA Sales Charge Rule, as amended from time to time, as if that rule applied to all closed-end management investment companies.

For the Commission, by the Division of Investment Management, under delegated authority.

J. Matthew DeLesDernier,

Assistant Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91529; File No. SR–NYSEAMER–2021–17]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 7.37E

April 12, 2021.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on April 1, 2021, NYSE American LLC (''NYSE American'' 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 self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 7.37E to specify when the Exchange may adjust its calculation of the PBBO. 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.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

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 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

Purpose

The Exchange proposes to amend Rule 7.37E to specify when the Exchange may adjust its calculation of the PBBO.[4]

Generally, the Exchange updates both the PBBO and NBBO based on quote updates received from data feeds from Away Markets, which are disclosed in Rule 7.37E(d).[5] In 2015, the Exchange described in a rule filing that when it routes interest to a protected quotation, the Exchange adjusts the PBBO.[6] The Exchange proposes to amend its rules to include that description in Rule 7.37E and provide additional specificity of when it may adjust its calculation of the PBBO.

As proposed, new paragraph (d)(1) of Rule 7.37E would provide:

The Exchange may adjust its calculation of the PBBO based on information about orders it sends to Away Markets with protected quotations, execution reports received from those Away Markets, and certain orders received by the Exchange.

This proposed rule text is consistent with the Exchange's disclosure in the Datafeed Filing and adds specificity that the Exchange may adjust its calculation of the PBBO based on execution reports received from Away Markets and certain orders received by the Exchange.[7]

Proposed Rule 7.37E(d)(1) is based on MEMX LLC (''MEMX'') Rule 13.4(b) with two non-substantive differences.[8] First, the Exchange proposes to use the term ''PBBO,'' which is the term used in the Exchange's rules for the best-priced protected quotations, instead of ''NBBO.'' Second, the Exchange proposes to refer to ''Away Markets,'' which is a defined term in Rule 1.1E, instead of ''other venues.''

MEMX has not disclosed circumstances when ''certain orders received by the Exchange'' would result in an adjustment to its calculation of the PBBO, but the Exchange believes that when MEMX receives an ISO with a Day time in force (''Day ISO''), it adjusts its calculation of the PBBO. The Exchange proposes that it would also adjust its calculation of the PBBO based on receipt of a Day ISO, which is consistent with how Nasdaq Stock Market LLC (''Nasdaq'')[9] and Cboe BZX Exchange, Inc. (''BZX'')[10] function.

Specifically, the Exchange proposes that it would adjust its calculation of the PBBO upon receipt of a Day ISO Order that the Exchange displays. As described in Rule 7.37E(e)(3)(C), a Day ISO is eligible for the exception to locking or crossing a protected quotation because the member organization simultaneously routes an ISO to execute against the full size of any locked or crossed protection quotations, *i.e.,* the member organization routes ISOs to trade with contra-side protected quotations on Away Markets that are priced equal to or better than the arriving Day ISO on the Exchange. Because receipt of a Day ISO informs the Exchange that the member organization has routed ISOs to trade with Away Market contra-side protected quotations priced equal to or better than the Day ISO, upon receipt and displaying of a Day ISO, the Exchange proposes to adjust its calculation of the PBBO to exclude any contra-side protected quotations that are priced equal to or better than the Day ISO.

- For example, if the best protected bid is 10.00, Exchange A is displaying a protected offer at 10.05, and Exchange B is displaying a protected offer at 10.09, the Exchange's calculation of the PBBO would be 10.00 x 10.05. If the Exchange receives a Day ISO for 100 shares to buy priced at 10.05 that is displayed on the Exchange at 10.05, the Exchange would adjust its calculation of the PBBO to be 10.05×10.09 and would use this updated PBBO for execution, routing, and re-pricing determinations.

If a Day ISO is displayed on the Exchange at a price less aggressive than its limit price (*e.g.,* a Day ISO ALO that, if displayed at its limit price, would lock displayed interest on the Exchange), the Day ISO still informs the Exchange that the member organization has routed ISOs to trade with contra-side protected quotations on Away Markets that are priced equal to or better than the *limit price* of arriving Day ISO on the Exchange. The Exchange would therefore use the limit price of the Day ISO ALO to determine how to adjust its calculation of the contra-side Away Market PBBO, provided that contra-side displayed interest on the Exchange equal to the limit price of the Day ISO ALO would not be considered cleared. The price at which the arriving Day ISO ALO would be displayed would be the price that informs the Exchange's calculation of the same-side PBBO.

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[4] The term ''PBBO'' is defined in Rule 1.1E to mean the Best Protected Bid and the Best Protected Offer, which in turn mean the highest Protected Bid and the lowest Protected Offer, which refer to quotations in an NMS stock that is (i) displayed by an Automated Trading Center; (ii) disseminated pursuant to an effective national market system plan; and (iii) an Automated Quotation that is the best bid or best offer of a national securities exchange or the best bid or best offer of a national securities association. The term NBBO is defined to mean the national best bid and offer. The Exchange notes that the NBBO may differ from the PBBO because the NBBO includes Manual Quotations, which are defined as any quotation other than an automated quotation. 17 CFR 242.600(b)(37).

[5] The Exchange proposes non-substantive amendments to Rule 7.37E(d) to update the names of the exchanges listed in the table by replacing the term ''Bats'' with ''Cboe,'' replacing the term ''NASDAQ'' with ''Nasdaq,'' removing reference to ''OMX'' for Nasdaq BX, Inc. and Nasdaq PHLX LLC, adding reference to ''Inc.'' for Nasdaq BX, Inc., and deleting an extraneous ''LLC''.

[6] *See* Securities Exchange Act Release No. 74408 (March 2, 2015), 80 FR 12225 (March 6, 2015) (SR–NYSEMKT–2015–11) (Notice of filing and immediate effectiveness of proposed rule change) (''Datafeed Filing'').

[7] The Exchange does not adjust its calculation of the NBBO based on information about orders sent to Away Markets, execution reports from Away Markets, or certain orders received by the Exchange.

[8] MEMX Rule 13.4(b) provides: ''The Exchange may adjust its calculation of the NBBO based on information about orders sent to other venues with protected quotations, execution reports received from those venues, and certain orders received by the Exchange.''

[9] *See* Nasdaq Rule 4703(j) (''Upon receipt of an ISO, the System will consider the stated price of the ISO to be available for other Orders to be entered at that price, unless the ISO is not itself accepted at that price level (for example, a Post-Only Order that has its price adjusted to avoid executing against an Order on the Nasdaq Book) or the ISO is not Displayed.'') and Securities Exchange Act Release No. 74558 (March 20, 2015) 80 FR 16050, 16068 (March 26, 2015) (SR–Nasdaq–2015–024) (Notice).

[10] *See* Securities Exchange Act Release No. 74074 (January 15, 2015), 80 FR 3679, 3680 (January 23, 2015) (SR–BATS–2015–04) (Notice of filing and immediate effectiveness of proposed rule change to clarify the use of certain data feeds) (''The Exchange's [matching engine] will update the NBBO upon receipt of a Day ISO. When a Day ISO is posted on the BATS Book, the [matching engine] uses the receipt of a Day ISO as evidence that the protected quotes have been cleared, and the ME does not check away markets for equal or better-priced protected quotes. . . . In determining whether to route an order and to which venue(s) it should be routed, the [routing engine] makes its own calculation of the NBBO. . . . The [routing engine] does not utilize Day ISO Feedback in constructing the NBBO; however, because all orders initially flow through the [matching engine], to the extent Day ISO Feedback has updated the [matching engine's] calculation of the NBBO, all orders processed by the [routing engine] do take Day ISO Feedback into account.'') (''BZX Filing'').

For example, when the best protected bid is 10.00 and Exchange A is displaying a protected offer at 10.05 and the Exchange's best displayed offer is 10.07, the Exchange's calculation of the PBBO would be 10.00 × 10.05, then:

• If the Exchange receives ALO ''1'' to buy at 10.06, it would be displayed at 10.04 and be assigned a working price of 10.05, which is the PBO (displayed on Exchange A),[11] and the Exchange would adjust the PBBO to be 10.04 × 10.05.

• If next, the Exchange receives Day ISO ALO ''2'' to buy at 10.07, the Exchange would be permitted to display that order at a price that crosses Exchange A's PBO because it is a Day ISO. However, because it locks the Exchange's best displayed offer, due to its ALO modifier, the Exchange would display Day ISO ALO ''2'' at 10.06 and it would have a working price of 10.06.[12] In this scenario, the Exchange proposes to adjust its calculation of the PBBO to be 10.06 × 10.07 and use this updated PBBO for execution, routing, and re-pricing determinations, including repricing the ALO ''1'' to buy to both work and display at its limit price of 10.06.

The Exchange believes that adjusting the PBBO in this manner is consistent with Regulation NMS because the member organization that submitted the Day ISO ALO to buy priced at 10.07 has represented that it has sent ISOs to trade with protected offers on other exchanges priced at 10.07 or lower. The only reason that such order would not be displayed at 10.07 on the Exchange is because it has an ALO modifier and cannot trade with the Exchange's displayed offer of 10.07. However, there is no restriction on that Day ISO ALO being displayed at 10.06, which crosses the Away Market PBO of 10.05. The Exchange believes in this circumstance, it is consistent with Regulation NMS for the Exchange to consider that any Away Market protected offers priced 10.07 or below have been cleared and therefore adjust its calculation of the contra-side Away Market PBBO for purposes of execution, routing, and repricing determinations based on the limit price of the Day ISO ALO.

The Exchange believes that the proposed amendments to Rule 7.37–E(d) would promote clarity and transparency in the Exchange's rules regarding circumstances when the Exchange may adjust its calculation of the PBBO. The Exchange does not believe this proposed rule change is novel. Rather, the Exchange believes that other equity exchanges that accept Day ISOs similarly adjust their calculation of the best protected bid and best protected offer for purposes of making execution, routing, and repricing determinations based on the receipt of Day ISOs, as described above. The Exchange anticipates that it will implement the technology change to how it calculates the PBBO in May 2021.

2. Statutory Basis

The Exchange believes that the proposal is consistent with Section 6(b) of the Act,[13] in general, and furthers the objectives of Sections 6(b)(5) of the Act,[14] 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 regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to, and perfect the mechanisms of, a free and open market and a national market system and, in general, to protect investors and the public interest and because it is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that the proposed rule change would remove impediments to and perfect the mechanism of a free and open market and a national market system because it is designed to promote clarity and transparency in Exchange rules of when the Exchange may adjust its calculation of the PBBO. The Exchange believes that adjusting its calculation of the PBBO based on receipt of a Day ISO is consistent with Regulation NMS because the member organization that entered such Day ISO has also sent ISOs to Away Markets to trade with contra-side protected quotations priced equal to or better than the Day ISO. For the same reasons that displaying a Day ISO at a price that locks or crosses the PBBO is consistent with Regulation NMS, the Exchange believes that adjusting its calculation of the PBBO based on receipt and display of a Day ISO for purposes of making execution, routing, and repricing determinations for other orders is also consistent with Regulation NMS. The Exchange further notes that the proposed rule text is not novel and is based on MEMX Rule 13.4(b) and is consistent with Nasdaq rules and the BZX Filing.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[15] the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule changes are designed to promote transparency and clarity in Exchange rules regarding when the Exchange may adjust its calculation of the PBBO. The Exchange believes that the proposed rule change would promote competition because the Exchange proposes to adjust its calculation of the PBBO under similar circumstances that other equity exchanges adjust their calculation of the PBBO, including MEMX, Nasdaq, and BZX.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[16] and Rule 19b–4(f)(6) thereunder.[17] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.

At any time within 60 days of the filing of such 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

[11] *See* Rule 7.31E(e)(2)(B)(i).

[12] *See* Rule 7.31E(e)(3)(D)(ii). Currently, the Exchange would display such Day ISO ALO ''2'' at 10.06 and would adjust its calculation of the same-side PBBO and reprice same-side resting orders to the Day ISO price, but would not adjust its calculation of the contra-side PBBO for purposes of routing and execution determinations of new orders.

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(5).

[15] 15 U.S.C. 78f(b)(8).

[16] 15 U.S.C. 78s(b)(3)(A)(iii).

[17] 17 CFR 240.19b–4(f)(6).

Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [18] 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 Number SR–NYSEAMER–2021–17 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–NYSEAMER–2021–17. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEAMER–2021–17, and should be submitted on or before May 7, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–07786 Filed 4–15–21; 8:45 am]

BILLING CODE 8011–01–P

[18] 15 U.S.C. 78s(b)(2)(B).

[19] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[License No. 02/02–0698]

Star Mountain SBIC Fund, LP; Notice Seeking Exemption Under Section 312 of the Small Business Investment Act, Conflicts of Interest

Notice is hereby given that Star Mountain SBIC Fund, LP, 2 Grand Central Tower, 140 East 45th Street, 37th Floor, New York, NY 10017, a Federal Licensee under the Small Business Investment Act of 1958, as amended (''the Act''), in connection with the financing of a small concern, has sought an exemption under Section 312 of the Act and Section 107.730, Financings which Constitute Conflicts of Interest of the Small Business Administration (''SBA'') Rules and Regulations (13 CFR 107.730). Associates of Star Mountain SBIC Fund, L.P. own more than 10% of the equity interests in Arrow Home Health LLC, 2805 S Expressway 83, Suite A, Harlingen, TX 78550, thereby making Arrow Home Health LLC an Associate.

The financing is brought within the purview of § 107.730(a) of the Regulations because Star Mountain SBIC Fund, LP and Arrow Home Health LLC are Associates and Star Mountain SBIC Fund, LP is seeking to invest capital in Arrow Home Health LLC. Therefore, this transaction is considered financing an Associate, requiring a prior SBA exemption and pre-financing SBA approval.

Notice is hereby given that any interested person may submit written comments on the transaction, within fifteen days of the date of this publication, to the Associate Administrator, Office of Investment and Innovation, U.S. Small Business Administration, 409 Third Street SW, Washington, DC 20416.

U.S. Small Business Administration.

Thomas G. Morris,

Acting Associate Administrator, Director, Office of Liquidation, Office of Investment and Innovation.

[FR Doc. 2021–07858 Filed 4–15–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF STATE

[Public Notice: 11410]

Determination and Waiver of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2021 (Div. K, Pub L. 116–260) Relating to Assistance for the Independent States of the Former Soviet Union

Pursuant to the authority vested in me as Secretary of State, including by section 7046(b) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2021 (Div. K, Pub L. 116–260) (''the Act''), and E.O. 12163, as amended by E.O. 13118, I hereby determine that it is in the national security interest of the United States to make available funds appropriated by the Act, without regard to the restriction in section 7046(b) of the Act, for Armenia, Azerbaijan, Belarus, Georgia, Moldova, Kazakhstan, the Kyrgyz Republic, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan.

This Determination shall be published in the **Federal Register** and, along with the accompanying Memorandum of Justification, shall be reported to Congress.

Dated: March 8, 2021.

Antony J. Blinken,

Secretary of State.

[FR Doc. 2021–07795 Filed 4–15–21; 8:45 am]

BILLING CODE 4710–23–P

DEPARTMENT OF STATE

[Public Notice: 11402]

Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: ''The Paradox of Stillness: Art, Object, and Performance'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to an agreement with their foreign owner or custodian for temporary display in the exhibition ''The Paradox of Stillness: Art, Object, and Performance'' at the Walker Art Center, Minneapolis, Minnesota, and at possible additional exhibitions or venues yet to be

determined, are of cultural significance, and, further, that their temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Chi D. Tran, Program Administrator, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236–3 of August 28, 2000.

Matthew R. Lussenhop,

Acting Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2021–07850 Filed 4–15–21; 8:45 am]

BILLING CODE 4710–05–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36432]

Independence Rail Works Ltd.—Acquisition and Operation Exemption—Byesville Scenic Trails, LLC

On August 26, 2020, Independence Rail Works Ltd. (IRW) filed a petition for exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10901 to authorize, after the fact, its acquisition and operation of 3.6 miles of track in Guernsey County, Ohio, extending from milepost 4.9 to milepost 8.5 (the Line). IRW asks that the requested exemption be granted with retroactive effect. On November 19, 2020, the Board initiated a proceeding and requested additional information from various parties. *Indep. Rail Works Ltd.—Acquis. & Operation Exemption—Byesville Scenic Trails, LLC* (*November 2020 Decision*), FD 36432 (STB served Nov. 19, 2020). The parties have now provided sufficient information, and the Board will grant IRW an exemption to acquire and operate the Line. However, the exemption will not be granted retroactively.

Background

According to IRW, the Line is a portion of a longer segment of track that IRW purchased from Byesville Scenic Trails, LLC (BST), in 2013.[1] IRW claims that it has maintained the Line but that the only rail operations on the Line are shipments by CUOH of approximately 30 cars of aggregate and sand per week to Mar-Zane, Inc. (Mar-Zane), the only shipper on the Line, at milepost 8.0. (Pet. 4, 8.) IRW claims that, when CUOH began providing service over the Line, IRW believed that the Line was private track and that CUOH's service to Mar-Zane was outside the Board's jurisdiction. (*Id.* at 6.)

IRW asserts that recently, when it was evaluating the potential expanded use of the Line, it discovered that the Line is not private track and is in fact a rail line within the Board's jurisdiction. (*Id.* at 4–5.) IRW explains that all 13.3 miles of track it purchased were originally owned by CSX Transportation, Inc. (CSXT), and that the Board authorized CSXT to abandon those 13.3 miles in June 1999. (*Id.* at 3); *see CSX Transp., Inc.—Aban. Exemption—in Guernsey & Noble Cntys., Ohio,* AB 55 (Sub-No. 569X) (STB served June 4, 1999). Thereafter, CSXT consummated abandonment of the segment between milepost 8.5 and milepost 18.23, (*see* CSXT filing, Sept. 1, 2000, AB 55 (Sub-No. 569X)), but the remaining portion—the Line—was sold to the Cambridge-Guernsey County Community Improvement Corporation (CIC) under the Board's offer of financial assistance (OFA) process, *see* 49 U.S.C. 10904; 49 CFR 1152.27, thus remaining a rail line under the Board's jurisdiction. *See CSX Transp., Inc.—Aban. Exemption—in Guernsey & Noble Cntys., Ohio,* AB 55 (Sub-No. 569X) (STB served Nov. 7, 2000).

As noted above, IRW states in its petition that it acquired the Line from BST in 2013. IRW now seeks after-the-fact authority for its unauthorized 2013 acquisition and for its right to operate the Line. (Pet. 3–4.) IRW asks for the exemption to be made retroactive to the date of its acquisition. (*Id.* at 13.) In its petition, IRW provided no information concerning how and when BST acquired the Line.

Because IRW's petition raised issues that required clarification, the Board in the *November 2020 Decision* requested that IRW and other relevant parties provide additional information with respect to BST's previous acquisition of the Line, the ownership of the track segment extending from milepost 4.9 to milepost 5.14, and the statement in IRW's petition indicating that it planned to seek discontinuance authority. In response, IRW filed a supplement to its petition on December 18, 2020; CSXT filed a reply on December 18, 2020; and CUOH filed a letter in response on December 17, 2020.

First, having noted that the Board approved CIC's purchase of the Line from CSXT under the OFA process in 1999 and that IRW purchased the Line (without authorization) from BST in 2013, the *November 2020 Decision* sought clarification regarding the circumstances surrounding BST's previous acquisition of the Line. In response, IRW's supplement states that, after reviewing property records and consulting with responsible representatives of CIC,[2] IRW determined that Mr. Jerry J. Jacobson, or an entity under his control, purchased the Line from CIC on March 6, 2008, and that the Line was transferred to BST, which was owned by Mr. Jacobson, on August 12, 2008.[3] (IRW Supplement 3–4.) IRW states that Mr. Jacobson died in 2017. (*Id.* at 3.)

Next, the *November 2020 Decision* pointed out that, in 2004, CUOH obtained Board authorization to lease track from CSXT extending from milepost 0.0 to milepost 5.14, and that thus there appeared to be a segment of that leased track between milepost 4.9 and milepost 5.14 that overlapped with the Line. *See also Columbus & Ohio River R.R.—Acquis. & Operation Exemption—Rail Lines of CSX Transp., Inc.,* FD 34540 (STB served Dec. 20, 2004). Given the apparent conflicting information with respect to the segment of track between milepost 4.9 and milepost 5.14, the Board requested all relevant information relating to the ownership of this segment of track. *November 2020 Decision,* FD 36432, slip op. at 3.

In their filings, both IRW and CSXT confirm there is no overlap between the 2004 transaction and the transaction at issue in this proceeding. IRW states that the confusion over the ownership of this segment of track was due to a relabeling

[1] That longer track segment, approximately 13.3 miles in length, extended from milepost 4.9 to milepost 18.23 in Guernsey and Noble Counties, Ohio, connecting with the Columbus and Ohio River Railroad (CUOH) in Byesville, Ohio, at milepost 4.9. (Pet. 1–2.)

[2] IRW's supplement included a verification from the Economic Development Director of CIC for the section of IRW's supplement regarding BST's acquisition of the Line.

[3] According to IRW, the Line was held by Sugarcreek Real Estate Investments, LLC for five months before being transferred to BST. (IRW Suppl. 4.) IRW states that the Articles of Organization for Sugarcreek Real Estate Investments, LLC, were signed by Ms. Laura Jacobson, the wife of Mr. Jacobson. (*Id.* at 4 n.4.)

of mileposts. (IRW Suppl. 2.) IRW states that the quitclaim deed evidencing the sale from BST to IRW, which IRW provided with its supplement, indicates that the Line starts at CSXT Val Station 2647+60,[4] which IRW's records list as corresponding to milepost 4.9.[5] (*Id.*) CSXT states that the quitclaim deed for the sale from CSXT to CIC and the lease between CSXT and CUOH[6] both indicate that the dividing line between the track owned by CSXT and the track owned by IRW is located at Val Station 2647+60. (CSXT Reply 3.)

Finally, in response to certain statements in IRW's petition regarding IRW's plan to seek discontinuance authority and the Line's potential subsequent status as private track, the *November 2020 Decision* noted that a common carrier line subject to the Board's jurisdiction cannot become private track unless and until the Board authorizes its abandonment and the abandonment is consummated. *November 2020 Decision,* FD 36432, slip op. at 3–4. In response, IRW's supplement acknowledges that the Line will remain subject to the Board's jurisdiction unless it is abandoned pursuant to abandonment authority granted by the Board. (IRW Suppl. 4.) IRW states that following the Board's decision on the petition, IRW either will contract with a carrier to provide service on the Line, subject to any requisite Board approval or exemption, recognizing that IRW will have a residual common carrier obligation, or it will seek discontinuance authority. (*Id.* at 4–5.)

Discussion and Conclusions

Preliminary Issues. The Board finds that the parties have provided sufficient information regarding the issues raised in the *November 2020 Decision* to enable the Board to rule on the merits of the petition. The additional information provided by CSXT and IRW establishes that there is no dispute regarding the ownership of the track segment extending from IRW's milepost 4.9 to IRW's milepost 5.14. Both IRW and CSXT have provided documentation establishing that the Line extends from Val Station 2647+60, which IRW's records list as corresponding to milepost 4.9, to Val Station 2834+40, which IRW's records list as corresponding to milepost 8.5.[7] Accordingly, the Board finds that CSXT does not own any part of the track for which IRW seeks an acquisition and operation exemption.

With respect to the prior unauthorized acquisition of the Line by BST, the additional information provided indicates that Mr. Jacobson, or an entity under his control, purchased the Line from CIC on March 6, 2008, over five years after the transfer of the Line pursuant to the OFA process, and that the Line was transferred to BST, which was owned by Mr. Jacobson, on August 12, 2008. The Ohio Secretary of State's listing of businesses registered in Ohio lists BST's status as ''dead'' and indicates that the company was dissolved in June 2018.[8] In these circumstances, the Board will not require any further action with respect to BST's prior acquisition of the Line.[9]

Finally, IRW's supplement clarifies that it understands that the Line may not be treated as private track unless it obtains abandonment authority from the Board and consummates the abandonment.[10]

Exemption from 49 U.S.C. 10901. The acquisition of a line of railroad by a noncarrier requires prior approval by the Board under 49 U.S.C. 10901(a)(4). Under 49 U.S.C. 10502(a), however, the Board must exempt a transaction or service from regulation upon finding that: (1) Regulation is not necessary to carry out the rail transportation policy (RTP) of 49 U.S.C. 10101; and (2) either (a) the transaction or service is of limited scope, or (b) regulation is not needed to protect shippers from the abuse of market power.

Here, the Board finds that an exemption after-the-fact with respect to IRW's 2013 acquisition of the Line from BST should be granted. Detailed scrutiny of the proposed transaction through an application for review and approval under 49 U.S.C. 10901 is not necessary here to carry out the RTP. An exemption would promote the RTP by: minimizing the need for federal regulatory control over the transaction, (49 U.S.C. 10101(2)); reducing regulatory barriers to entry into the rail industry, (49 U.S.C. 10101(7)); encouraging efficient management of railroads, (49 U.S.C. 10101(9)); and providing for the expeditious handling and resolution of proceedings, (49 U.S.C. 10101(15)). Other aspects of the RTP will not be adversely affected.

Regulation of this transaction is not needed to protect shippers from the abuse of market power.[11] Mar-Zane, the only shipper on the Line, supports IRW's petition. In addition, there would be no loss of rail competition and no adverse change in the competitive balance in the transportation market as a result of the acquisition exemption. Nor would there be a change in the level of service. Rather, providing the exemption sought here will ensure that service on the Line continues because IRW will have a common carrier obligation to provide service on the Line upon reasonable request unless and until it receives abandonment or discontinuance authority.

Employee Protection. Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. However, 49 U.S.C. 10901(c) states that when authorizing a transaction governed by 49 U.S.C. 10901 the Board may require compliance with conditions ''other than labor protective conditions'' that are necessary in the public interest. Accordingly, the Board may not impose labor protective conditions here.

Environmental and Historic Review. Under 49 CFR 1105.6(c)(1), this action, which will not result in significant changes in carrier operations, is categorically excluded from environmental review. Similarly, under 49 CFR 1105.8(b)(1), no historic report is required because the subject

[4] IRW states that the quitclaim deed shows that Val Station 2647+60 is located just north of Main Street in Byesville, Ohio. (IRW Suppl. 2–3.) According to IRW, Guernsey County property records also indicate that IRW's ownership of the Line begins just north of Main Street. (*Id.* at 3.)

[5] IRW states that going forward neither CSXT nor IRW will assign mileposts at the location of Val Station 2647+60 to avoid any discrepancies in future filings and records. (IRW Suppl. 3.)

[6] CSXT's reply includes a copy of the quitclaim deed for the sale from CSXT to CIC in September 2000 and a copy of an exhibit from the lease between CSXT and CUOH containing a map showing the point where the leased track ends and the track previously sold to CIC begins. (CSXT Reply, V.S. Elizabeth Walsh 3–6.)

[7] In light of the information provided by IRW and CSXT in this proceeding, the Board will issue a corrected notice of exemption in Docket No. FD 34540 stating that the southern terminus of the leased segment of track is located at CSXT Val Station 2647+60.

[8] *Business Search,* Ohio Sec'y of State, *https://businesssearch.ohiosos.gov/* (enter ''Byesville Scenic Trails, LLC'' in the ''Business Name'' search box, click ''Search'', and then click ''Show Details'' in the search results) (last visited Apr. 6, 2021).

[9] *Cf. ABE Fairmont, LLC—Aban. Exemption—in Fillmore Cnty., Neb.,* AB 1106X et al., slip op. at 5 (STB served Jan. 29, 2018).

[10] As noted above, IRW indicates that it might seek authority to discontinue service on the Line. Acquisitions of active rail lines are generally supposed to be for continued rail use, though the Board has, in certain limited situations, granted acquisition authority when discontinuance/abandonment was subsequently planned, where the circumstances warrant it. *See, e.g., Wis. Rapids R.R.—Lease & Operation Exemption—Line of Wis. Cent. Ltd.,* FD 36339, slip op. at 1–2 n.1 (STB served Aug. 16, 2019); *Ga. Dep't of Transp.—Aban. Exemption—in Fulton Cnty., Ga.,* AB 1096X, slip op. at 1 n.2 (STB served May 30, 2012). The Board will address any request for discontinuance authority that IRW might file at the appropriate time.

[11] Given this finding, the Board need not determine whether the transaction is limited in scope. *See* 49 U.S.C. 10502(a).

transaction is for continued rail service, IRW has indicated no plans to alter railroad properties 50 years old or older, and any abandonment would be subject to Board jurisdiction.

Effective Date. As stated above, IRW seeks an exemption with retroactive effect. Although the Board on occasion has granted authority retroactively,[12] it generally disfavors such grants.[13] Given that IRW has failed to explain why retroactive authority is needed in this case, the Board is unable to assess the need and declines to make its authority retroactive here. The exemption will be effective on May 13, 2021, unless it is stayed.

It is ordered:

1. Under 49 U.S.C. 10502, the Board exempts from the prior approval requirements of 49 U.S.C. 10901 IRW's acquisition and operation of the Line.

2. Notice of this exemption will be published in the **Federal Register**.

3. This exemption will be effective on May 13, 2021. Petitions for stay must be filed by April 23, 2021. Petitions to reopen must be filed by May 3, 2021.

Decided: April 9, 2021.

By the Board, Board Members Begeman, Fuchs, Oberman, Primus, and Schultz.

Tammy Lowery,

Clearance Clerk.

[FR Doc. 2021–07792 Filed 4–15–21; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on a Request To Release Surplus Property at the Myrtle Beach International Airport, Myrtle Beach, South Carolina

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comment.

SUMMARY: The Federal Aviation Administration (FAA) is considering a request from the Horry County Department of Airports to waive the requirement that 0.29 acres of surplus property located at the Myrtle Beach International Airport be used for aeronautical purposes. Currently, the ownership of the property provides for the protection of approach and departure Runway Protection Zones and compatible land use which would continue to be protected with deed restrictions required in the transfer of land ownership.

DATES: Comments must be received on or before May 17, 2021.

ADDRESSES: Comments on this application may be emailed or mailed to the FAA at the following address: Chaim Van Prooyen, Federal Aviation Administration, Atlanta Airports District Office, 1701 Columbia Ave., Ste. 220, College Park, GA 30337.

In addition, one copy of any comments submitted to the FAA must be mailed to: Scott Van Moppes, Director of Airport, Myrtle Beach International Airport, 1100 Jetport Road, Myrtle Beach, South Carolina 29577.

FOR FURTHER INFORMATION CONTACT: Chaim Van Prooyen, Federal Aviation Administration, Atlanta Airports District Office, 1701 Columbia Ave., Ste. 220, College Park, GA 30337, *chaim.h.van.prooyen@faa.gov.* The request to release property may be reviewed, by appointment, in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA is reviewing a request to release 0.29 acres of surplus property at the Myrtle Beach International Airport (MYR) under the provisions of 49 U.S.C. 47151(d). On December 4, 2020, the Horry County Department of Airports requested the FAA release 0.29 acres of surplus property for the Fred Nash Boulevard expansion right-of-way. The FAA has determined that the proposed property release at the Myrtle Beach International Airport (MYR), as submitted by the Horry County Department of Airports, meets the procedural requirements of the FAA and release of the property does not and will not impact future aviation needs at the airport. The FAA may approve the request, in whole or in part, no sooner than thirty days after the publication of this notice. In accordance with 49 U.S.C. 47107(c)(2)(B)(i) and (iii), the airport will receive fair market value for the property, which will be subsequently reinvested in another eligible airport improvement project for aviation facilities at the Myrtle Beach International Airport.

Any person may inspect, by appointment, the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**. In addition, any person may, upon appointment and request, inspect the application, notice and other documents determined by the FAA to be related to the application in person at the Myrtle Beach International Airport.

Issued in Atlanta, GA on April 13, 2021.

Larry F. Clark,

Manager, Atlanta Airports District Office.

[FR Doc. 2021–07863 Filed 4–15–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

Notice of Funding Opportunity for the Maritime Administration's Port Infrastructure Development Program (PIDP) Under the Consolidated Appropriations Act, 2021

AGENCY: Maritime Administration, DOT.

ACTION: Notice of Funding Opportunity.

SUMMARY: The Consolidated Appropriations Act, 2021 appropriated $230 million for the Port Infrastructure Development Program (PIDP) to make grants to improve facilities within, or outside of and directly related to operations of or an intermodal connection to, coastal seaports, inland river ports, and Great Lakes ports. This notice announces the availability of funding for grants under this program and establishes selection criteria and application requirements. The Act directed that at least $205 million of the appropriated funds shall be for grants to coastal seaports or Great Lakes ports. Additionally, the National Defense Authorization Act for Fiscal Year 2021 directed that not less than $41.4 million shall be for projects at ''Small Ports and Terminals'' meeting certain requirements described in this NOFO. Funds for the PIDP are to be awarded as discretionary grants on a competitive basis for projects that will improve the safety, efficiency, or reliability of the movement of goods into, out of, around, or within a port. All PIDP grant recipients must meet all applicable Federal requirements, including the Buy American Act. The purpose of this notice is to solicit grant applications for the PIDP.

DATES: Applications must be submitted by 5:00 p.m. E.D.T. on July 30, 2021.

ADDRESSES: Applications must be submitted through *Grants.gov.*

FOR FURTHER INFORMATION CONTACT: For further information concerning this notice, please contact the PIDP staff via email at *PIDPgrants@dot.gov,* or call Peter Simons, Supervisory Transportation Specialist, Office of Port

[12] *See, e.g., Grand Elk R.R.—Acquis. of Incidental Trackage Rights Exemption—Norfolk S. Ry.,* FD 35187 (Sub–No. 1) et al., slip op. at 4 (STB served Nov. 20, 2017) (after having previously denied a request for retroactive authority, reopening the proceeding to make exemption retroactive in light of changed circumstances, including a state court decision that declined to rule on a contractual issue because Board previously only granted prospective authority).

[13] *See, e.g., Elk River R.R.—Merger Exemption—Buffalo Creek R.R.,* FD 36434, slip op. at 3 (STB served Nov. 6, 2020); *Ark.—Okla. R.R.—Acquis. & Operation Exemption—State of Okla.,* FD 36323, slip op. at 3 (STB served Sept. 19, 2019).

Infrastructure Development, at 202–366–8921. A TDD is available for individuals who are deaf or hard of hearing at 202–366–3993. In addition, the Department of Transportation (DOT) may post answers to questions and requests for clarifications as well as information about webinars for further information at *www.maritime.dot.gov/PIDPgrants.*

SUPPLEMENTARY INFORMATION: Each section of this notice contains information and instructions relevant to the application process for the FY 2021 PIDP discretionary grants, and all applicants should read this notice in its entirety to prepare eligible and competitive applications. Some of the program criteria have been modified since the FY 2020 PIDP.

Table of Contents

A. Program Description

1. Overview

The PIDP was established under 46 U.S.C. 50302, which authorizes DOT to establish a port and intermodal improvement program to improve the safety, efficiency, or reliability of the movement of goods through ports and intermodal connections to ports. The Consolidated Appropriations Act, 2021 (Pub. L. 116–260, December 27, 2020) (''FY21 Appropriations Act'' or the ''Act'') appropriated $230 million to the PIDP to make discretionary grants to improve the safety, efficiency, or reliability of the movement of goods into, out of, around, or within coastal seaports, inland river ports, or Great Lakes ports. To carry out a project under this program, DOT may provide grants for port and intermodal infrastructure-related projects.

Throughout the program, these discretionary grant awards have supported projects that improve facilities within, or outside of and directly related to operations of or an intermodal connection to, coastal seaports, inland river ports, and Great Lakes ports consistent with DOT's strategic infrastructure goal.[1] FY 2021 PIDP grants continue to align with DOT's infrastructure goal by supporting projects that enable safe, efficient, and reliable movement of goods into, out of, around, or within a port. To maximize the value of FY 2021 PIDP funds for all Americans, DOT seeks projects that enable safe, efficient, and reliable movement of goods and support the following program objectives: (1) Supporting economic vitality at the national and regional level; (2) addressing climate change and environmental justice impacts; (3) advancing racial equity and reducing barriers to opportunity; and, (4) leveraging Federal funding to attract non-Federal sources of infrastructure investment.

Consistent with DOT's R.O.U.T.E.S. initiative, DOT seeks rural projects that address deteriorating conditions and disproportionately high fatality rates on rural transportation infrastructure. DOT will consider how a proposed project will address the challenges faced by rural areas. Please visit *https://www.transportation.gov/rural* to learn more about DOT's efforts to address disparities in rural infrastructure.

2. Changes From the FY 2020 NOFO

The FY 2021 PIDP notice includes new priorities related to climate change, racial equity, and job creation. These priorities are part of two new program objectives that are incorporated into the FY 2021 PIDP evaluation process: (i) Climate Change and Environmental Justice Impacts and (ii) Racial Equity and Barriers to Opportunity. See Section D of this NOFO for details.

Section D.2.VII of this notice provides additional detail and instructions to applicants related to the statutory determinations that are required prior to award selection.

This notice also includes provisions related to applications for assistance for certain projects at small ports, per 46 U.S.C. 50302(d) as amended by the National Defense Authorization Act for Fiscal Year 2021 (Pub. L. 116–283, January 1, 2021) (''NDAA''). This guidance applies to eligible applicants with eligible projects meeting two conditions: (1) The eligible applicant is a port with average annual tonnage of cargo during the three calendar years immediately preceding the time of application of less than 8,000,000 short tons and (2) the application seeks a certain level of Federal funding (less than or equal to $4.14 million). These projects are referred to in this notice as ''small projects at small ports''.

3. Additional Information

Section E of this notice, which outlines FY 2021 PIDP Grant selection criteria, describes the process for selecting projects that further the program's goals. Section F.3 describes progress and performance reporting requirements for selected projects, including the relationship between these reporting requirements and the program's selection criteria.

The PIDP is described in the Federal Assistance Listings (formerly known as the Catalog of Federal Domestic Assistance) under the assistance listing program title ''Port Infrastructure Development Program'' and assistance listing number 20.823.

B. Federal Award Information

1. Amount Available

DOT intends to award up to $230 million on a competitive basis for projects that improve facilities within, or outside of and directly related to operations of or an intermodal connection to, coastal seaports, inland river ports, and Great Lakes ports. The FY21 Appropriations Act directed that at least $205 million of this amount be reserved for grants to coastal seaports or Great Lakes ports. Additionally, the NDAA directed that not less than $41.4 million shall be for projects meeting certain requirements described in this NOFO for ''small projects at small ports''. The FY21 Appropriations Act allows up to two percent ($4.6 million) of the funds appropriated to be available for necessary costs of grant administration. If the Maritime Administration (MARAD) does not receive sufficient qualified applications, it will award less than the amount available.

In addition to the FY 2021 PIDP funds, unobligated prior year PIDP funds may be made available and awarded under this solicitation to eligible projects. DOT presently estimates that approximately $20 million in prior year funds may be awarded under this solicitation. If this solicitation does not result in the award and obligation of all available funds, DOT may publish additional solicitations.

2. Award Size

The minimum PIDP award size is $1 million. Except as limited by the amount of available funding and the statutory restrictions on funding identified in Section B.3, there is no maximum award size.

3. Restrictions on Funding

The FY21 Appropriations Act and NDAA impose several restrictions on awards under this notice:

- Not more than 25 percent of the available funds ($57.5 million) can be

[1] See U.S. Department of Transportation Strategic Plan for FY 2018–2022 (Feb. 2018) at *https://www.transportation.gov/dot-strategic-plan.*

used to make grants for projects in any one State.

- At least $205 million is reserved for coastal seaport projects or Great Lakes port projects (as defined in Section C.3.e. below).
- Eighteen percent ($41.4 million) is reserved for small projects at small ports awarded under 46 U.S.C. 50302(d), and no single grant award under 46 U.S.C. 50302(d) may be more than 10 percent ($4.14 million) of this amount. Of this reserved $41.4 million, not more than 10 percent ($4.14 million) may be used to make grants for development phase activities under 46 U.S.C. 50302(d)(3)(A)(ii)(III).
- Not more than 10 percent ($18.4 million) of the funds not reserved for small projects at small ports may be awarded for development phase activities for large projects (as defined in Section C.3.e. below) that do not result in construction.

4. Availability of Funds

To ensure the funds are expended in a timely manner, DOT, to the extent possible, seeks to obligate FY 2021 PIDP funds by September 30, 2024. Obligation occurs when a selected applicant and DOT enter into a written grant agreement after the applicant has satisfied applicable administrative requirements, including transportation planning and environmental review requirements. Unless authorized by DOT in writing after DOT's announcement of FY 2021 PIDP awards, any costs incurred prior to DOT's obligation of funds for a project (''pre-award costs'') are ineligible for reimbursement and are ineligible to count as match for cost share requirements. DOT also seeks to expend funds within five years of obligation. As part of the review and selection process described in Section E.2.b., DOT will consider a project's likelihood to be ready for obligation of funds by September 30, 2024 and liquidation of these obligations within five years of obligation.

5. Previous PIDP Awards

Recipients of prior PIDP grants may apply for funding to support additional phases of a project previously awarded funds in the PIDP program. However, to be competitive, the applicant should demonstrate the extent to which the previously funded project phase has met estimated project schedules and budget, as well as the ability to realize the benefits expected for the project. A previous PIDP award, or application, does not affect competitiveness under the FY 2021 PIDP competition.

C. Eligibility Information

To be selected for a FY 2021 PIDP discretionary grant, an applicant must be an eligible applicant and the project must be an eligible project.

1. Eligible Applicants

An eligible applicant for a FY 2021 PIDP discretionary grant is a port authority, a commission or its subdivision or agent under existing authority, a State or political subdivision of a State or local government, a Tribal government, a public agency or publicly chartered authority established by one or more States, a special purpose district with a transportation function, a multistate or multijurisdictional group of entities, or a lead entity described above jointly with a private entity or group of private entities (including the owners or operators of a facility, or collection of facilities, at a port).

If submitting a joint application, applicants should identify a lead applicant as the primary point of contact and also identify the primary recipient of the award. The applicant that will be responsible for financial administration of the project must be an eligible applicant. Joint applications should include a description of the roles and responsibilities of each applicant.

Applicants must demonstrate that they have the authority to carry out the project and are encouraged to submit an assertion with citation of authority with their application. See Section D.2.VII. for more information.

2. Cost Sharing or Matching

This section of the notice describes cost share requirements for an FY 2021 PIDP Grant award.

Per the FY21 Appropriations Act, the Federal share of the costs for which an expenditure is made under a PIDP grant may not exceed 80 percent; however, the Secretary may increase the Federal share of costs above 80 percent for: (1) Large project grant awards less than $10 million; or, (2) grants awarded to small projects at small ports under 46 U.S.C. 50302(d).

Non-Federal sources include State funds originating from programs funded by State revenue, local funds originating from State or local revenue funded programs, or private funds. The application should demonstrate, such as through a commitment letter or other documentation, the sources of the non-Federal funds. Unless otherwise authorized by statute, State or local cost-share may not be counted as the non-Federal share for both the FY 2021 PIDP Grant award and another Federal grant program.

DOT will not consider previously incurred costs or previously expended or encumbered funds towards the matching requirement for any project, except for awards made under 46 U.S.C. 50302(d) (small projects at small ports). For awards made under 46 U.S.C. 50302(d), DOT may consider certain eligible pre-construction costs towards the matching requirement if incurred after the date of application submittal but before award announcement and if the costs are clearly indicated in the budget included in the application and comply with all applicable Federal requirements. Matching funds are subject to the same Federal requirements described in Section F.2. as awarded funds.

For the purpose of eligibility, the proceeds of Federal assistance under chapter 6 of Title 23, United States Code or sections 501 through 504 of the Railroad and Revitalization and Regulatory Reform Act of 1976 (Pub. L. 94–210), as amended, shall be considered to be part of the non-Federal share of project costs if the loan is repayable from non-Federal funds, unless otherwise requested by the project sponsor.

In addition to these cost share requirements, cost share will be evaluated according to the ''Leverage of Federal Funding'' criterion described in Section E. Preference will be given to those projects that require a lower percentage Federal share of costs. See Section E.1.a. for information on how DOT will evaluate leverage. That section explains that DOT seeks applications for projects that maximize the non-Federal share. See Section D.2.III. for information about documenting cost sharing in the application.

For each project that receives a PIDP grant award, the terms of the award will require the recipient to complete the project using at least the level of non-Federal funding that was specified in the application. If the actual costs of the project are greater than the costs estimated in the application, the recipient will be responsible for increasing the non-Federal contribution. If the actual costs of the project are less than the costs estimated in the application, DOT will generally reduce the Federal contribution.

3. Other

a. Eligible Projects

Eligible projects for FY 2021 PIDP grants shall be located either within the boundary of a port, or outside the boundary of a port and directly related to port operations or to an intermodal

connection to a port. Eligible projects are limited to:

(1) Port gate improvements;

(2) road improvements both within and connecting to the port;

(3) rail improvements both within and connecting to the port;

(4) berth improvements (including docks, wharves, piers, and dredging incidental to the improvement project);

(5) fixed landside improvements in support of cargo operations (such as silos, elevators, conveyors, container terminals, Ro/Ro structures including parking garages necessary for intermodal freight transfer, warehouses including refrigerated facilities, lay-down areas, transit sheds, and other such facilities);

(6) utilities necessary for safe operations (including lighting, stormwater, and other such improvements that are incidental to a larger infrastructure project); or

(7) a combination of activities described above.

Projects addressing environmental mitigation measures, freight intelligent transportation systems, and digital infrastructure systems are eligible if those components support one of the eligible project types listed above. This program will not fund construction, reconstruction, reconditioning, or purchase of a vessel, nor any project within a small shipyard (as defined in 46 U.S.C. 54101). Mobile equipment, such as mobile harbor cranes or vehicles and similar equipment whose utility depends, in part, on their ability to be routinely relocated from one location to another, is not eligible for funding.

Development phase activities (including planning, feasibility analysis, revenue forecasting, environmental review, permitting, and preliminary engineering and design work) that support these capital projects are also eligible. However, DOT will prioritize funding for projects that propose to move into the construction phase within the grant's performance period. Accordingly, applications for only development phase activities will be less competitive than capital grants.

Improvements to Federally owned facilities are ineligible under the FY 2021 PIDP.

Refer to Section D.5, F*unding Restrictions,* for more information when determining eligibility.

b. Determinations

DOT must make the following determinations under 46 U.S.C. 50302(c)(6)(A) before selecting a project for award. Evidence that a project meets these determinations should be clearly indicated in the Project Narrative as outlined in Section D.2.VII.

(1) The project improves the safety, efficiency, or reliability of the movement of goods through a port or intermodal connection to the port. Refer to Section D.2.VII. for what to include in the application, and to Section E.1.a. for how DOT will make this determination.

(2) The project is cost effective. DOT will determine a project is cost effective if it estimates that the project's benefit-cost ratio is equal to or greater than one. Refer to Section D.2.VII. for what to include in the application and to Section E.1.a. for how DOT will make this determination. This requirement does not apply to awards for small projects at small ports (*i.e.,* awards made under 46 U.S.C. 50302(d)).

(3) The eligible applicant has the authority to carry out the project. Refer to Section D.2.VII. for what to include in the application, and to Section E.2.b. for how DOT will make this determination.

(4) The eligible applicant has sufficient funding available to meet the matching requirements. DOT's determination of sufficient and available non-Federal matching funds will be based on the information provided in the project's Grant Funds, Sources, and Uses of Project Funds section of the application (see Section D.2.III). Refer to Section D.2.VII. for what to include in the application, and to Section E.2.b. for how DOT will make this determination.

(5) The project will be completed without unreasonable delay. The application must demonstrate that the project will meet the timeline outlined in Section B.4. This eligibility requirement is separate from the Project Readiness Selection Criteria described in Section E.1.b. Refer to Section D.2.VII. for what to include in the application, and to Section E.2.b. for how DOT will make this determination.

(6) The project cannot be easily and efficiently completed without Federal funding or financial assistance available to the project sponsor. DOT's determination will be based on the impacts to the project if Federal funding or financial assistance is unavailable for the project. Refer to Section D.2.VII. for what to include in the application, and to Section E.2.b. for how DOT will make this determination.

c. Project Components

An application may describe a project that contains more than one component and may describe components that may be carried out by parties other than the applicant. DOT may award funds for a component, instead of the larger project, if that component (1) independently meets minimum award amounts described in Section B and all eligibility requirements described in Section C; (2) independently aligns well with the merit criteria specified in Section E; and (3) meets National Environmental Policy Act (NEPA) requirements with respect to independent utility. Independent utility means that the component will represent a transportation improvement that is usable, even if no other improvement is made in the area, and will be ready for intended use upon completion of that component's construction. All project components that are presented together in a single application must demonstrate a relationship or connection among them.

Applicants should be aware that, depending upon the relationship between project components and applicable Federal law, Federal funding of some project components may make other project components that have not received Federal funding subject to Federal requirements as described in Section F.2.

DOT strongly encourages applicants to identify in their applications the project components that have independent utility and separately detail costs and requested PIDP funding for those components. If the application identifies one or more independent project components, the application should clearly identify how each independent component addresses the selection criteria and produces benefits on its own, in addition to describing how the full proposal of which the independent component is a part addresses the criteria described in Section E.

d. Application Limit

Each lead applicant may submit no more than one application.

e. Definitions

Coastal seaport: A port on navigable waters of the United States or territories that are subject to the U.S. Army Corps of Engineers regulatory jurisdiction for oceanic and coastal waters under 33 CFR 329.12 or that is otherwise capable of receiving oceangoing vessels with a draft of at least 20 feet (other than a Great Lakes port).

Development phase activities: Planning, feasibility analysis, revenue forecasting, environmental review, permitting, and preliminary engineering and design work.

Great Lakes port: A port on the Great Lakes and their connecting and tributary waters as defined under 33 CFR 83.03(o).

Large projects: A project at a port other than a small port, regardless of the amount of PIDP funding sought in the application; or, a project at a small port for which the amount of PIDP funding sought in the application is greater than $4.14 million.

Rural area: An area located outside a 2010 Census-designated urbanized area.

Small port: A coastal seaport, Great Lakes, or inland river port to and from which the average annual tonnage of cargo for the immediately preceding 3 calendar years from the time an application is submitted is less than 8,000,000 short tons, as determined using U.S. Army Corps of Engineers data or data provided by an independent audit the findings of which are acceptable to the Secretary.

Small project at a small port: A project at a small port seeking less than or equal to $4.14 million in funding under 46 U.S.C. 50302(d).

D. Application and Submission Information

1. Address To Request Application Package

Applications must be submitted to *Grants.gov.* Instructions for submitting applications can be found at *https://www.maritime.dot.gov/office-port-infrastructure-development/port-and-terminal-infrastructure-development/how-apply-port* along with specific instructions for the forms and attachments required for submission.

2. Content and Form of Application Submission

The application must include the Standard Form 424 (Application for Federal Assistance) and the Project Narrative. More detailed information about the Project Narrative follows. Applicants are encouraged to also complete the SF–424C (Budget Information—Construction Programs) and attach to their application the FY 2021 PIDP Project Information form. These forms may be found on grants.gov and are also available at *www.maritime.dot.gov/PIDPgrants.*

DOT recommends that the Project Narrative be prepared with standard formatting preferences (a single-spaced document, using a standard 12-point font such as Times New Roman, with 1-inch margins, and the narrative text in one column only). The Project Narrative may not exceed 30 pages in length, excluding cover pages and table of contents. The only substantive portions that may exceed the 30-page limit are documents supporting assertions or conclusions made in the 30-page Project Narrative and documentation related to the required determinations. Except for the benefit cost analysis, DOT does not consider supporting documentation or websites an essential part of the application. Supporting documentation should be dated, and DOT recommends using appropriately descriptive files names (*e.g.,* ''Project Narrative,'' ''Maps,'' ''Memoranda of Understanding and Letters of Support'') for all attachments. If supporting documents are submitted, applicants should clearly identify within the Project Narrative the relevant portion of the Project Narrative that each supporting document supports.

DOT recommends that the Project Narrative follow the basic outline below to address the program requirements and assist evaluators in locating relevant information.

The Project Narrative should include the information necessary for DOT to determine that the project satisfies project requirements described in Sections B and C and to assess the criteria specified in Section E.1. In addition to a detailed statement of work, detailed project schedule, and detailed project budget, the Project Narrative should include a table of contents, maps and graphics, as appropriate, to make the information easier to review. To the extent practicable, applicants should provide supporting data and documentation in a form that is directly verifiable by DOT. DOT may ask any applicant to supplement data in its application, but expects applications to be complete upon submission. DOT may seek clarifying or additional information from applicants according to circumstances described in Section E.2. DOT recommends applications include the following content:

I. Project Description

The first section of the application should provide a concise description of the project, the challenges that it is intended to address, and how it will address those challenges. The project description should provide both a high-level overview of the overall project and a clear itemization of its major components. This section may discuss the project's history, including a description of any previously completed components. The applicant may use this section to place the project into a broader context of other transportation infrastructure investments being pursued by the project sponsor. This section should focus on eligibility and technical aspects of the project, but should not directly address the selection criteria described in paragraph IV., below.

II. Project Location

This section of the application should describe the project location, including a detailed geographical description of the proposed project, a map of the project's location and connections to existing transportation infrastructure, and geospatial data describing the project location. This section should also clearly identify whether the project is:

(a) Located in a rural area (as defined in Section C.3.e);

(b) a Great Lakes port project (as defined in Section C.3.e);

(c) a Coastal seaport project (as defined in Section C.3.e);

(d) a small project at a small port (as defined in Section C.3.e) seeking funding under 46 U.S.C. 50302(d); and

(e) located in a Federally designated community development zone such as a qualified Opportunity Zone,[2] Empowerment Zone,[3] Promise Zone,[4] or Choice Neighborhood.[5]

III. Grant Funds, Sources, and Uses of Project Funds

This section of the application should describe the FY 2021 PIDP project's budget (*i.e.,* the project scope that includes PIDP funding) and leverage of non-Federal funds. Except for a project seeking funding under 46 U.S.C. 50302(d), the budget should not include any previously incurred expenses. At a minimum, this section should include:

(a) PIDP project costs; [6]

(b) For all funds to be used for eligible project costs, the source and amount of those funds;

(c) Documentation of funding commitments for non-Federal funds to be used for eligible project costs (documentation may be referenced and submitted as an appendix);

(d) For Federal funds to be used for eligible project costs, the amount, nature, and source of any required non-Federal match for those funds. Applicants should also refer to the Leverage of Federal Funding merit criterion in Section E.1.a.v.;

(e) A budget showing how each source of funds will be spent. The budget should show how each funding source will share in each major construction activity, and present that data in dollars and percentages. Funding sources should be grouped into three categories: Non-Federal; PIDP; and other Federal. If the project contains individual components, the budget should separate the costs of each project component. If the project will be completed in phases, the budget should separate the costs of each phase. The budget detail should sufficiently demonstrate that the project satisfies the statutory cost-sharing requirements described in Section C.2.

In addition to the information enumerated above, this section should provide complete information on how all project funds may be used. For example, if a particular source of funds is available only after a condition is satisfied, the application should identify that condition and describe the applicant's control over whether it is satisfied. Similarly, if a particular source of funds is available for expenditure only during a fixed time period, the application should describe that restriction. Complete information about project funds will ensure that DOT's expectations for award execution align with any funding restrictions unrelated to DOT, even if an award differs from the applicant's request. If a funding source is uncertain, the applicant should state that it is uncertain and describe the source of the uncertainty. Failure to document funding sources, as described in paragraph (c) above or failure to address uncertainty may prevent DOT from making the determination at Section C.3.b.4 necessary to select the project for an award.

IV. Merit Criteria

This section should be structured to clearly address each of the following merit criteria in accordance with the Application Review guidance in Section E.

A. Effect on the Movement of Goods

The application should contain information to assess the project's impact on safety, efficiency, or reliability of the movement of goods through a port or intermodal connection to a port. The application may, as part of this discussion, identify features the applicant will incorporate into the project and highlight specific benefits of the project (such as indicators of improved efficiency and reliability like reduced vessel and truck turn times; enhancements to or increases in system capacity; improved connectivity; decreases in the number, rate, and consequences of transportation-related accidents, serious injuries, and fatalities).

For applications seeking funding for a small project at a small port, the narrative should also contain information that addresses the degree to which the project would promote the enhancement and efficiencies of the port.

B. Supporting Economic Vitality at the National and Regional Level

1. Large Projects. For large projects (as defined in Section C.3.e.) this criterion will measure the quantified benefits against the costs of the project. Among otherwise comparable applications, DOT will prioritize projects that maximize net benefits.

a. This portion of the application should describe the anticipated benefits of the project. The applicant should summarize the conclusions of the benefit-cost analysis, including estimates of the project's benefit-cost ratio and net benefits. The applicant should also describe economic impacts and other data-supported benefits that are not included in the benefit-cost analysis, such as how the project creates good-paying jobs with the choice to join a union and how the project supports American industry.

b. This paragraph describes the recommended approach for the completion and submission of a benefit-cost analysis (BCA) as an appendix to the Project Narrative. The BCA itself should be provided as an appendix to the Project Narrative, but the results of the analysis should also be summarized in the Project Narrative directly.

The appendix should provide present value estimates of a project's benefits and costs relative to a no-build baseline. To calculate present values, applicants should apply a real discount rate (*i.e.,* the discount rate net of the inflation rate) of 7 percent per year to the project's streams of benefits and costs. The purpose of the BCA is to enable DOT to evaluate the project's cost-effectiveness by estimating a benefit-cost ratio and calculating the magnitude of net benefits for the project. The primary economic benefits from projects eligible for PIDP grants are likely to relate to the value of travel time savings, vehicle and port operating cost savings, and safety considerations for both existing users of the improved facility and new users who may be attracted to it because of the project. Savings in infrastructure maintenance costs may also be quantified. Applicants may describe other categories of benefits in the BCA that are more difficult to quantify and value in economic terms, such as improving the reliability of travel times, while also providing numerical estimates of the magnitude and timing of each of these additional impacts wherever possible. Any benefits claimed for the project, both quantified and unquantified, should be clearly tied to the expected outcomes of the project.

The BCA should include the full costs of developing, constructing, operating,

[2] See *https://opportunityzones.hud.gov/.*

[3] See *https://www.hud.gov/hudprograms/empowerment_zones.*

[4] See *https://www.hud.gov/program_offices/field_policy_mgt/fieldpolicymgtpz.*

[5] See *https://www.hud.gov/program_offices/public_indian_housing/programs/ph/cn.*

[6] For a project seeking funding under 46 U.S.C. 50302(d), the project costs may include eligible costs incurred by the applicant between the date of application submittal and the date of award announcement as long as these costs comply with the PIDP administrative and national policy requirements described in Section F.2 and are for pre-construction activities. Costs incurred prior to the execution of a grant agreement will not be reimbursed or used to satisfy cost share requirements unless authorized in writing by DOT. See Section F.1.

and maintaining the proposed project, as well as the expected timing or schedule for costs in each of these categories. The BCA may also consider the present discounted value of any remaining service life of the asset at the end of the analysis period. The costs and benefits that are compared in the BCA should also cover the same project scope, including the costs of other related projects on which the benefits of the PIDP project depend.

The BCA should carefully document the assumptions and methodology used to produce the analysis, including a description of the baseline, the sources of data used to project the outcomes of the project, and the values of key input parameters. Applicants should provide all relevant files used for their BCA, including any spreadsheet files (in their original format such as Excel) and technical memos describing the analysis (whether created in-house or by a contractor). The spreadsheets and technical memos should present the calculations in sufficient detail and transparency to allow the analysis to be reproduced by DOT evaluators.

Detailed guidance for estimating some types of quantitative benefits and costs, together with recommended economic values for converting them to dollar terms and discounting to their present values, are available in DOT's guidance for conducting BCAs for projects seeking funding under the PIDP. A link to DOT's guidance is available on the PIDP website: *www.maritime.dot.gov/PIDPgrants.*

c. Applicants should also describe economic impacts and other data-supported benefits that are not included in the benefit-cost analysis, such as how the project creates good-paying jobs that provide the chance to join a union, how the project will support American industry, and how the project will benefit the local and regional economy such as through the use of project labor agreements, local hiring preferences, and project-related initiatives that address disparities in economic opportunities.

2. Small Projects at Small Ports. For small projects at small ports (as defined in Section C.3.e.), this criterion will assess the project's impact on the economic advantage and contribution to freight transportation at the port. The criterion will also consider the competitive disadvantage of the port. Small projects at small ports are not required to submit a benefit-cost analysis.

a. Information related to a project's impact on economic advantage should include improvements the project will generate as reflected in commitments or other documentation. It could also include analysis and documentation related to how the project will enhance traditional elements of economic advantage such as capitalizing on or creating economies of scale, overcoming barriers to entry, or creating more efficient access for labor, resources, and customers. The narrative's discussion of the project's contribution to freight transportation should address how the project will improve the physical process of transporting commodities, merchandise, goods, cargo, and related externalities. Information that helps reviewers understand how the project will benefit both direct stakeholders (such as shippers, carriers, or consignees) and other members of society who may not benefit directly from cargo movements (such as by reducing some of the negative impacts of freight transportation such as air, noise, and water pollution, vegetation and wildlife destruction, etc.) should also be included. The consideration of sustainable development strategies in project development and execution should also be addressed, if applicable.

b. Applicants should also include information that will help reviewers understand the competitive disadvantage of the port and, as appropriate, how the project will improve the port's competitive position. For example, the application could provide information on elements of competitive disadvantage (such as technology limitations or a port's geography) and explain how PIDP funding will help reduce or ameliorate those elements (such as by correcting the element resulting in the competitive disadvantage). The application could also identify how a PIDP-funded project's values-based approach (such as an emphasis on respect for people and the environment or commitment to individual economic opportunities) will address the competitive disadvantage of the port. Applicants should include data and/or well-reasoned analyses when providing inputs on the economic vitality of the proposed project. Economic vitality supports the development of transportation systems that stimulate, support, and enhance the movement of goods to ensure a prosperous economy. When preparing the Project Narrative, applicants should consider that the concept of economic vitality includes recognizing a full range of multimodal and intermodal freight needs, public-private partnerships, sustainability, and institutional linkages within the community.

c. The applicant should also describe economic impacts and other data-supported benefits, such as how the project creates good-paying jobs that provide the chance to join a union, how the project will support American industry, and how the project will benefit the local and regional economy such as through the use of project labor agreements, local hiring preferences, and project-related initiatives that address disparities in economic opportunities.

C. Addressing Climate Change and Environmental Justice Impacts

This section of the application should demonstrate whether the project has incorporated climate change and environmental justice in terms of planning and policy and/or design components. To address the planning and policies element of this criterion, the application should describe what specific climate change or environmental justice activities have been completed for the project. The application should indicate whether a project is incorporated in a climate action plan, whether an equitable development plan has been prepared, and whether tools such as EPA's EJSCREEN have been applied in project planning.[7] To address the design component element of this criterion, the application should describe specific and direct ways that the project will mitigate or reduce climate change impacts. This may include a description of how the project encourages modal shift, results in changes in asset utilization to reduce congestion, or incorporates multimodal infrastructure to reduce climate impacts. This section may also describe ways that the project reduces emissions or uses technology to increase energy efficiency, incorporates resiliency measures for disaster preparedness and mitigation, or recycles and enhances existing idle or dilapidated infrastructure. See Section E.1.a.iii. for additional information related to evaluation of this criterion.

D. Advancing Racial Equity and Reducing Barriers to Opportunity

This section of the application should include sufficient information to evaluate how the applicant and the project will advance the Racial Equity and Barriers to Opportunity program objective. The applicant should indicate which (if any) planning and policies related to racial equity and barriers to opportunity they are implementing or have implemented along with the specific project investment details necessary for DOT to evaluate if the investments are being made to either

[7] The EJSCREEN tool can be found on the EPA site: *https://ejscreen.epa.gov/mapper/.*

proactively advance racial equity and reduce barriers to opportunity or redress prior inequities and barriers to opportunity. All project investment costs for the project that are related to advancing racial equity and reducing barriers to opportunity should be summarized here, even if those project costs are ineligible for the PIDP grant. Any policies, plans, and outreach documentation related to advancing racial equity or reducing barriers to opportunity should be provided as an appendix to the Project Narrative. See Section E.1.a.iv. for additional information.

E. Leveraging Federal Funding To Attract Non-Federal Sources of Infrastructure Investment

While the Leveraging Criterion will be assessed according to the methodology described in Section E.1.a.v., this section of the application may be used to include additional information that may strengthen DOT's understanding of the project sponsor's effort to improve non-Federal leverage.

V. Project Readiness

During application evaluation, DOT will consider project readiness to assess the likelihood of a successful project. In that analysis, DOT will evaluate two categories of project readiness: Technical Capacity and Environmental Risk. Technical Capacity will assess the applicant's experience working with Federal agencies, previous experience with PIDP, BUILD, or INFRA awards, and the technical experience and resources dedicated to the project. This section of the narrative should include information on the project schedule and a discussion of project risk. Risks do not disqualify projects from award, but competitive applications clearly and directly describe achievable risk mitigation strategies. A project with mitigated risks or with a risk mitigation plan is more competitive than a comparable project with unaddressed risks. Environmental Risk analyzes the project's environmental approvals and likelihood of the necessary approvals affecting project obligation. To minimize redundant information in the application, DOT encourages applicants to cross-reference from this section of their application to relevant substantive information in other sections of the application.

(a) Technical Capacity

The applicant should provide information demonstrating technical capacity to implement the project based on experience and understanding of Federal requirements. This section may include a description of the applicant's history of delivering similar projects or experience completing a Federally supported project. The application should also demonstrate a project's feasibility or constructability and schedule, and how the project (such as design and construction) will comply with applicable Federal requirements.

The applicant should also indicate whether the project is part of an ongoing planning effort, such as at the local, regional, or state level. Information on whether the project is included in a local or state freight plan, part of a facility or organization strategic plan, or included in other planning efforts should be included. Applicants should provide links or other documentation supporting the project's inclusion in these planning efforts.

(1) Project Schedule. The applicant should include a detailed project schedule that identifies all major project milestones. Examples of such milestones include State and local planning approvals; start and completion of NEPA, and other Federal environmental reviews and approvals including permitting; design completion; right of way acquisition; approval of plans, specifications, and estimates; procurement; State and local approvals; project partnership and implementation agreements, including agreements with non-governmental entities involved in or impacted by the project; and construction. The project schedule should be sufficiently detailed to demonstrate that the project can begin construction quickly upon obligation of PIDP funds, and that the grant funds will be spent expeditiously once construction starts.

(2) Assessment of Project Readiness Risks and Mitigation Strategies. The applicant should identify project risks, such as approval or permit delays, procurement delays, technical challenges in design or construction, environmental uncertainties, increases in real estate acquisition costs, or lack of legislative approval, that affect the likelihood of successful project start and completion. The applicant should assess the greatest risks to the project and include a discussion that identifies how the project parties will mitigate those risks.

(b) Environmental Risk

(1) Information about the NEPA status of the project. The applicant should indicate the anticipated NEPA level of review for the project and describe any environmental analysis in progress or completed. This includes Categorical Exclusion, Environmental Assessment/Finding of No Significant Impact, or Environmental Impact Statement/Record of Decision. The applicant should review Maritime Administration Manual of Orders MAO 600–1 prior to submission. The application should detail the type of NEPA review underway, where the project is in the process, and indicate the anticipated date of completion of all milestones and of the final NEPA determination. If the last agency action with respect to NEPA documents occurred more than three years before the application date, the applicant should describe why the project has been delayed and include a proposed approach for verifying and, if necessary, updating this material in accordance with applicable NEPA requirements. If applicable, applicants should include a description of discussions with the appropriate Maritime Administration NEPA Coordinator in the Maritime Administration Office of Environment regarding the project's compliance with NEPA and other applicable Federal environmental reviews and approvals.

(2) Environmental Permits and Reviews. The application should demonstrate receipt (or reasonably anticipated receipt) of all environmental permits and approvals necessary, including Section 106 of the National Historical Preservation Act, 54 U.S.C. 306108, and Section 7 of the Endangered Species Act, 16 U.S.C. 1531, for the project to proceed to construction on the timeline specified in the project schedule and necessary to meet the statutory obligation deadline, including satisfaction of all Federal, State, and local requirements and completion of the NEPA process.

(3) State and Local Approvals. The applicant should demonstrate receipt of State and local approvals on which the project depends, such as State and local environmental permitting and planning. Additional support from relevant State and local officials is not required; however, an applicant should demonstrate that the project has broad public support.

(4) Information on environmental reviews, approvals, and permits by other agencies. An application should indicate whether the proposed project requires reviews or approval actions by other agencies,[8] indicate the status of such actions, and provide detailed information about the status of those reviews or approvals and should demonstrate compliance with any other applicable Federal, State, or local

[8] Projects that may impact protected resources such as wetlands, species habitat, or cultural or historic resources require review and approval by Federal and State agencies with jurisdiction over those resources.

requirements, and when such approvals are expected. Applicants should provide a website link or other reference to copies of any reviews, approvals, and permits prepared.

(5) A description of whether the project is dependent on, or affected by, U.S. Army Corps of Engineers investment and the U.S. Army Corps of Engineers planned activities as it relates to the project.

(6) Environmental studies or other documents, preferably through a website link, that describe in detail known project impacts, and possible mitigation for those impacts. This could include State NEPA analysis information as applicable.

VI. Domestic Preference

This section should include a description of whether materials and manufactured products to be used in the project are mined, produced, or manufactured domestically. The Department expects all PIDP applicants to comply with that requirement without needing a waiver. However, this section should also include an assessment of what, if any, materials or manufactured products would require an exception or waiver of the Buy American provisions described in Section F.2 of this notice and the applicant's current efforts and planned future efforts to maximize domestic content. The content of this section of the application is particularly important for projects that propose the acquisition of heavy equipment, construction components, or bollard and fendering systems, which are often available from foreign manufacturers. As described in Section E.1.c, failure to address Buy American compliance can affect whether an application is considered competitive for award and may prevent an award.

VII. Determinations

To select a project for award, the Department must determine that the project—as a whole, as well as each independent component of the project—satisfies several statutory requirements enumerated in 46 U.S.C. 50302(c)(6)(A) and restated in the table below. The application must include sufficient information for the Department to make these determinations for both the project as a whole and for each independent component of the project. Applicants should use this section of the application to summarize how their project and, if present, each independent project component, meets each of the following requirements. Applicants are not required to reproduce the table below in their application, but following this format will help evaluators identify the relevant information that supports each project determination. Supporting information provided in appendices may be referenced.

Project determination	Guidance
1. The project improves the safety, efficiency, or reliability of the movement of goods through a port or intermodal connection to the port.	Please summarize how the project will improve the safety, efficiency, or reliability of the movement of goods through a port or intermodal connection to a port. Detail specific elements of the project and their forecasted impact on port performance indicators (such as improvements in vessel dwell times, truck turn times, capacity, throughput, accident reductions, etc.) If the project has multiple independent components, please provide sufficient information to describe the impact of each component on the overall project.
2. The project is cost effective	Highlight the results of the benefit cost analysis, as well as the analyses of independent project components, if applicable. The Department will base its determination on the ratio of project benefits to project costs as assessed according to the Economic Vitality criterion. *Note:* This determination is not applicable to small projects at small ports.
3. The eligible applicant has the authority to carry out the project	Please provide citations of authority or other supporting documentation necessary to establish an applicant's authority to carry out the project. The citations should be of sufficient detail to demonstrate that the applicant is an eligible applicant and to show how the applicant is related to the work on the property where the grant funds will be spent. Examples of information that could assist with making this determination include: The citation of specific sections or chapters of state or local statutory language that demonstrate relevant authority; the inclusion of a narrative outlining the authority of the eligible entity applying for grant funding; or, a description of the relationship between the applicant and the owner of the property that links the project to the authority to carry out the project.
4. The eligible applicant has sufficient funding available to meet the matching requirements.	Please indicate funding source(s) and amounts that will account for all project costs, broken down by independent project component, if applicable. Demonstrate that the funding is stable, dependable, and dedicated to this specific project by referencing a letter of commitment, a local government resolution, memorandum of understanding, or similar documentation. The Department will base its determination on an assessment of this information by PIDP program evaluators.

Project determination	Guidance
5. The project will be completed without unreasonable delay	Please provide expected obligation date[9] and construction start date, referencing project budget and schedule as needed. If the project has multiple independent components, or will be obligated and constructed in multiple phases, please provide sufficient information to show that each component meets this requirement. DOT will base its determination on the project risk rating assessed as part of the evaluation of the Project Readiness criterion.
6. The project cannot be easily and efficiently completed without Federal funding or financial assistance available to the project sponsor.	Describe the potential negative impacts on the proposed project if the PIDP grant (or other Federal funding) is not awarded. In the narrative, address the following: 1. How would the project scope be affected if PIDP (or other Federal) funds were not received? 2. How would the project schedule be affected if PIDP (or other Federal) funds were not received? 3. How would the project cost be affected if PIDP (or other Federal) funds were not received? If there are no negative impacts to the project scope, schedule, or budget if PIDP funds are not received, state that explicitly. Impacts to a portfolio of projects will not satisfy this requirement; please describe only project-specific impacts. Re-stating the project's importance for national or regional economy, mobility, or safety will not satisfy this requirement. The Department will base its determination on an assessment of this information by PIDP program evaluators.

3. Unique Entity Identifier and System for Award Management (SAM).

Each applicant must: (1) Be registered in SAM before submitting its application; (2) provide a valid unique entity identifier in its application; and (3) continue to maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or plan under consideration by a Federal awarding agency. DOT may not make an FY 2021 PIDP Grant award to an applicant until the applicant has complied with all applicable unique entity identifier and SAM requirements and, if an applicant has not fully complied with the requirements by the time DOT is ready to make a PIDP grant award, DOT may determine that the applicant is not qualified to receive a PIDP grant award and use that determination as a basis for making a PIDP grant award to another applicant.

4. Submission Dates and Times

Applications must be submitted to *Grants.gov*. Instructions for submitting applications can be found at *www.maritime.dot.gov/PIDPgrants* along with specific instructions for the forms and attachments required for submissions.

Applications must be submitted by 5:00 p.m. E.D.T. on July 30, 2021. The funding opportunity on *Grants.gov* will open by March 29, 2021. Please note that the *Grants.gov* registration process usually takes 2–4 weeks to complete and that DOT will not consider late applications that are the result of a failure to register or comply with *Grants.gov* applicant requirements in a timely manner.

5. Funding Restrictions

Grants under the FY 2021 PIDP may not be used to fund construction, reconstruction, reconditioning, or purchase of a vessel that is eligible for assistance under 46 U.S.C. chapter 537, nor any project within a small shipyard (as defined in 46 U.S.C. 54101).

Funds granted to small projects at small ports under 46 U.S.C. 50302(d) may not be used for: Any single grant award more than $4.14 million; or, activities, including channel improvements or harbor deepening, that are part of a Federal channel, authorized, as of the date of the application for assistance, to be carried out by the U. S. Army Corps of Engineers.

Improvements to Federally owned facilities are ineligible under the FY 2021 PIDP.

Mobile equipment, such as mobile harbor cranes or vehicles and similar equipment whose utility depends, in part, on an ability to be routinely relocated from one location to another, is not eligible for funding.

DOT will not consider previously incurred costs or previously expended or encumbered funds towards the matching requirement for any project, except for certain costs related to a small project at a small port (*e.g.,* grants under 46 U.S.C. 50302(d)). Unless authorized in writing by DOT, an expense incurred before a grant agreement is executed will not be reimbursed or count towards cost share requirements.

Federal award recipients and subrecipients are prohibited from obligating or expending grant funds to procure or obtain, extend or renew a contract to procure or obtain, or enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that use covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. See Section 889 of Public Law 115–232 (National Defense Authorization Act, 2019) and 2 CFR 200.216 & 200.471.

6. Other Submission Requirements

a. Submission Location

Applications must be submitted to *Grants.gov.* To submit an application through *Grants.gov,* applicants must:

(1) Obtain a Data Universal Numbering System (DUNS) number;

(2) Register with the System for Award Management (SAM) at *www.SAM.gov;*

(3) Create a *Grants.gov* username and password; and

(4) Complete Authorized Organization Representative (AOR) registration in *Grants.gov.* The E-Business Point of Contact (POC) at the applicant's organization must respond to the registration email from *Grants.gov* and login at *Grants.gov* to authorize the applicant as the AOR. Please note that

[9] Obligation occurs when a selected applicant enters a written, project-specific agreement with the Department and is generally after the applicant has satisfied applicable administrative requirements, including transportation planning and environmental review requirements.

there can be more than one AOR for an organization.

Please note that the *Grants.gov* registration process usually takes 2–4 weeks to complete and that DOT will not consider late applications that are the result of a failure to register or comply with *Grants.gov* applicant requirements in a timely manner. For information and instruction on each of these processes, please see instructions at *https://www.grants.gov/applicants/applicant-faqs.html.*

If applicants experience difficulties at any point during the registration or application process, please call the *Grants.gov* Customer Service Support Hotline at 1(800) 518–4726, Monday–Friday from 7:00 a.m. to 9:00 p.m. ET.

b. Consideration of Applications

Only applicants who comply with all submission deadlines described in this notice and electronically submit valid applications through *Grants.gov* will be eligible for award. Applicants are strongly encouraged to make submissions in advance of the deadline and to verify that their submissions comply with all of the requirements in this notice.

c. Late Applications

Applicants experiencing technical issues with *Grants.gov* that are beyond the applicant's control must contact *PIDPgrants@dot.gov* prior to the application deadline with the user name of the registrant and details of the technical issue experienced. The applicant must provide:

(1) Details of the technical issue(s) experienced;

(2) Screen capture(s) of the technical issues(s) experienced along with corresponding *Grants.gov* ''Grant tracking number'';

(3) The ''Legal Business Name'' for the applicant that was provided in the SF–424;

(4) The AOR name submitted in the SF–424;

(5) The DUNS number associated with the application; and

(6) The *Grants.gov* Help Desk Tracking Number.

To ensure a fair competition for limited discretionary funds, the following conditions are not valid reasons to permit late submissions: (1) Failure to complete the various registration processes before the deadline; (2) failure to follow *Grants.gov* instructions on how to register and apply as posted on its website; (3) failure to follow all instructions in this notice of funding opportunity; and (4) technical issues experienced with the applicant's computer or information technology environment. After DOT reviews all information submitted and contacts the *Grants.gov* Help Desk to validate reported technical issues, DOT staff will contact late applicants to approve or deny a request to submit a late application through *Grants.gov.* If the reported technical issues cannot be validated, late applications will be rejected as untimely.

E. Application Review Information

1. Criteria

a. Merit Criteria. This section specifies the merit criteria that DOT will use to evaluate and award applications for FY 2021 PIDP grants. Per the FY21 Appropriations Act, DOT will evaluate whether the project improves the safe, efficient, and reliable movement of goods. Per 46 U.S.C. 50302, the Secretary shall also give substantial weight to the utilization of non-Federal contributions (leverage) and economic vitality, considering the net benefits from the cost-benefit analysis of the project, as applicable. The DOT also seeks projects that address climate change and environmental justice, and advance racial equity and reduce barriers to opportunity. DOT encourages applicants to address each of the following criteria in their narrative.

i. Effect on the Movement of Goods

DOT will evaluate the extent to which the project will improve the safety, efficiency, or reliability of the movement of goods through a port or intermodal connection to a port. To address this criterion, the application must include a discussion about how the project improves the safety, efficiency, or reliability of the movement of goods. In addition, for small projects at small ports, the application must include information about the degree to which a project would promote the enhancement and efficiencies of a port.

ii. Economic Vitality

A. Large Projects. DOT will consider the costs and benefits of large projects (as defined in Section C.3.e.) seeking PIDP funding. To the extent possible, DOT will rely on quantitative, data-supported analysis to assess how well a project addresses this criterion, including an assessment of the project's estimated benefit-cost ratio and net benefits based on the applicant-supplied BCA described in Section D.2.IV.b.

Based on DOT's assessment, DOT will group projects into ranges based on their estimated benefit costs ratio (BCR) and assign a level of confidence associated with each project's assigned BCR rating. DOT will use these ranges for BCR: Less than 1; 1–1.5; 1.5–3; and greater than 3. The confidence levels are high, medium, and low.

B. Small Projects at Small Ports (*i.e.,* applications for funding under 46 U.S.C. 50302(d)). DOT will consider the impact of the proposed small project at a small port on the economic advantage and the contribution to freight transportation at a port. DOT will also consider the competitive disadvantage of the port seeking the funding. In making this assessment, DOT will consider all relevant information provided by the applicant.

Based on DOT's assessment, DOT will group projects according to their impacts. A ''high'' impact project is one for which documentation submitted by the applicant indicates will improve the economic advantage of the port, contribute to freight transportation at the port, and improve the competitive advantage of the port seeking funding. A ''medium'' impact project is one for which documentation submitted by the applicant indicates will improve two of the factors identified above. A ''low'' impact project is one for which documentation submitted by the applicant indicates will improve one or none of the factors identified above.

iii. Climate Change and Environmental Justice

DOT encourages applicants to (1) consider climate change and environmental justice in project planning efforts and (2) to incorporate project elements dedicated to mitigating or reducing the impacts of climate change. The project will be assigned a Climate Change and Environmental Justice rating based on how it addresses these areas. Applications that incorporate climate change or environmental justice in both planning activities and specific project elements will receive a high rating. Applications that incorporate climate change or environmental justice in planning activities or project elements, but not both, will receive a medium rating. Applications that address this criterion in neither planning activities nor project elements will receive a low rating.

Applicants intending to address the planning portion of the Climate Change and Environmental Justice criterion should describe in detail, provide supporting documentation, or otherwise demonstrate how they meet at least one of the following options: a local/regional/state Climate Action Plan which results in lower greenhouse gas emissions has been prepared and the project directly supports that plan; a local/regional/state Equitable

Development Plan has been prepared and the project directly supports that plan; the project sponsor has used environmental justice tools such as the EJSCREEN (*https://ejscreen.epa.gov/mapper/*) to minimize impacts to environmental justice communities; or, a local/regional/state Energy Baseline Study has been prepared and the project directly supports that study.

Applicants intending to address the project components portion of the climate change and environmental justice criterion should describe how they meet at least one of the following options: The project supports a multimodal shift in freight movement to reduce vehicle miles traveled; the project incorporates electrification infrastructure, zero-emission vehicle infrastructure or both (such as charging stations for electric port equipment); the project utilizes one or more demand management strategies to reduce congestion and greenhouse gas emissions; the project promotes energy efficiency (such as through a reduction in vessel dwell time or use of cold ironing technology); the project serves the renewable energy supply chain; the project improves disaster preparedness and resiliency; the project supports bringing existing idle or dilapidated infrastructure that is currently causing environmental harm into a state of good repair (such as brownfield redevelopment); the project supports or incorporates the construction of energy- and location-efficient buildings; or, the project proposes recycling of materials, use of materials known to reduce or reverse carbon emissions or both.

iv. Racial Equity and Barriers to Opportunity

DOT encourages applicants to describe credible planning activities and actions to address potential inequities and barriers to equal opportunity in the project as reflected in Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government.* Each application will be assigned a Racial Equity and Barriers to Opportunity rating based on how it addresses racial equity and barriers to equal opportunity in (1) planning and policies and (2) project investments. Applications that address both planning and policies and project investments will receive a high rating. Applications that address either planning and policies or project investment will receive a medium rating. Applications that do not address racial equity and barriers to opportunity in either their planning and policies or investments will receive a low rating.

An application will be determined to have met the planning and policy element of this criterion if it incorporates any of the following: A racial equity impact analysis for the project; documentation of equity-focused community outreach and public engagement in the project's planning in underserved communities; the adoption of an equity and inclusion program/plan or implementation of equity-focused policies related to project procurement, material sourcing, construction, inspection or other activities designed to ensure rapid racial equity in the overall project delivery and implementation. Note that these examples are illustrative and are not the only bases that DOT may use to determine that an application addresses this element.

An application will be determined to have met the project investments element of this criterion if the investments either proactively address racial equity and barriers to opportunity or redress prior inequities and barriers to opportunity. Those investments must be documented by previously incurred and/or future costs of the project. Examples of such investments include but are not limited to:

- Investments that improve or newly connect underserved communities to proactively address barriers to opportunity or redress past inequities and barriers to opportunity (such as: Physical-barrier-mitigating land bridges, caps, lids, linear parks, and multimodal mobility investments that are directly related to the project and either address past barriers to opportunity or that proactively create new connections and opportunities for underserved communities; or, new or improved freight access to underserved communities to increase access to goods and job opportunities for those underserved communities)
- Investments that directly partner with underserved communities to proactively address barriers to opportunity or redress past inequities and barriers to opportunity (such as: Project sponsor partnerships with land banks or land trusts for equitable and fair transfer of excess right-of-way and other properties directly related to the project; or, projects that result in hiring from local communities)

Definitions for ''racial equity'' and ''underserved communities'' are found in Executive Order 13985.

v. Leverage of Federal Funding

To maximize the impact of PIDP awards, DOT seeks to leverage PIDP funding with non-Federal contributions. To evaluate this criterion, DOT will assign a rating to each project based on the calculated non-Federal share of the project's future eligible project costs. DOT will sort project applications' non-Federal leverage percentage from high to low, and the assigned ratings will be based on quintile: Projects in the 80th percentile and above receive the highest rating; the 60th–79th percentile receive the second highest rating; 40th–59th, the third highest rating; 20th–39th, the fourth highest rating; and 0–19th, the lowest rating.

This evaluation criterion is separate from the statutory cost share requirements for PIDP grants, which are described in Section C.2. Those statutory requirements establish the minimum permissible non-Federal share; they do not define a competitive PIDP project.

The project's non-Federal leverage percentage will be calculated based on the best available information provided by the applicant. In cases in which the ultimate source of the funding is unclear, the funding will be treated as Federal for the purposes of this calculation. For the purposes of evaluating leverage, proceeds of Federal assistance under chapter 6 of Title 23, United States Code or sections 501 through 504 of the Railroad and Revitalization and Regulatory Reform Act of 1976 (Pub. L. 94–210), as amended, shall be considered to be part of the non-Federal share of project costs if the loan is repayable from non-Federal funds, unless otherwise requested by the project sponsor.

b. Project Readiness. DOT will consider significant risks to successful completion of a project, including risks associated with technical capacity, environmental review, permitting, and the applicant's overall capacity to manage project delivery. Risks do not disqualify projects from award, but competitive applications clearly and directly describe achievable risk mitigation strategies. A project with mitigated risks is more competitive than a comparable project with unaddressed risks.

c. Domestic Preference. DOT will consider whether an exception/waiver of the Buy American provisions will be necessary to complete the project. Among otherwise comparable applications, projects that depend on materials or manufactured products that do not comply with domestic preference requirements will be less competitive than projects that comply with those requirements. Among otherwise comparable applications that require exceptions or waivers, an application that presents an effective plan to

maximize domestic content will be more competitive than one that does not. DOT will not award projects that likely need a waiver but present no plan to maximize domestic content.

d. Additional Considerations.

i. Community Development Zones

DOT will consider whether a project is located within a Federally designated community development zone such as a qualified opportunity zone, Empowerment Zone, Promise Zone, or Choice Neighborhood. Applicants can find additional information about each of the designated zones at the sites indicated below:

- *Opportunity Zones:* (*https://opportunityzones.hud.gov/*)
- *Empowerment Zones:* (*https://www.hud.gov/hudprograms/empowerment_zones*)
- *Promise Zones:* (*https://www.hud.gov/program_offices/field_policy_mgt/fieldpolicymgtpz*)
- *Choice Neighborhoods:* (*https://www.hud.gov/program_offices/public_indian_housing/programs/ph/cn*)

A project located in a Federally designated community development zone is more competitive than a similar project that is not located in a Federally designated community development zone. The Department will rely on applicant-supplied information to make this determination and will only consider this if the applicant expressly identifies the designation in their application.

ii. Projects Awarded Less Than $10,000,000 in PIDP Funds

For PIDP awards that are under $10,000,000, DOT will give priority consideration for ports that handled less than 10,000,000 short tons in 2017, as identified by the Army Corps of Engineers.

2. Review and Selection Process

a. Review Process

The PIDP evaluation consists of Intake, a Technical Review Phase, and a Senior Review Phase. During the Technical Review Phase, DOT staff will analyze applications and provide ratings, consistent with the descriptions in this notice.

Based on this analysis, the Senior Review Team assembles a list of Projects for Consideration for selection by the Secretary based on the criteria described in Section E. The Secretary makes final selections based on the criteria described in Section E.

b. Determinations

DOT must make the following determinations under 46 U.S.C. 50302(c)(6)(A) prior to award selection. Refer to Section D.2.VII. for what to include in the application.

i. Effect on the Movement of Goods

If the application demonstrates that the project will positively improve the movement of goods, the project will satisfy the determination listed under Section C.2.b.(1).

ii. Economic Vitality

For applications that seek funding for projects under 46 U.S.C. 50302(c) and that have a BCR greater than or equal to 1.0, the project will satisfy the determination in Section C.3.b.(2). For applications that seek funding for projects under 46 U.S.C. 50302(d), the project will not be required to satisfy the determination in Section C.3.b.(2).

iii. Authority To Carry Out the Project

If the applicant demonstrates that they have the authority to carry out the project by providing citations of authority, or other supporting documentation with their application, the project will satisfy the determination outlined in Section C.3.b.3.

iv. Unreasonable Delay

If the application narrative and project schedule demonstrate that the project is reasonably expected to begin construction no later than 18 months after the date of obligation of funds for the project, and will be fully completed within five years of obligation, the project satisfies the determination outlined in Section C.3.b.5.

v. Sufficient Matching Funds

In assessing the availability of the proposed non-Federal financial commitments, DOT will consider the degree to which financing sources are dedicated to the proposed purposes and are highly likely to be available within the proposed project schedule. If the application narrative and project budget demonstrate that the applicant has sufficient funding available to meet the matching requirements, the project will satisfy the determination outlined in Section C.3.b.4.

vi. Cannot Be Easily and Efficiently Completed Without Federal Funding

DOT will evaluate how well the project demonstrates that it cannot be easily and efficiently completed without Federal funding or financial assistance available to the project sponsor. If applications sufficiently describe the impacts on the project of Federal funding or financial assistance being unavailable for the project, and show the project cannot be easily or efficiently completed without such assistance, the project will satisfy the determination outlined in Section C.3.b.6.

c. Follow-Up With Applicants

DOT may ask any applicant to supplement data in its application but is not required to do so. Lack of supporting information provided with the application negatively affects competitiveness of the application. Throughout the review and selection process, DOT may seek additional information from an applicant related to project eligibility, whether the project can be completed with a reduced award, or data needed to complete project analysis.

3. Additional Information

Development phase grant applications will be evaluated against the same criteria as capital grant applications, and DOT will prioritize funding for projects that propose to move into the construction phase within the period of obligation. Accordingly, applications for development phase activities will be less competitive than capital grants.

Prior to grant obligation, each selected applicant will be subject to a risk assessment as required by 2 CFR 200.206. DOT must review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)). An applicant may review information in FAPIIS and comment on any information about itself. DOT will consider comments by the applicant, in addition to the other information in FAPIIS, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants.

F. Federal Award Administration Information

1. Federal Award Notice

Following the evaluation outlined in Section E, DOT will announce awarded projects by posting a list of selected projects at *www.maritime.dot.gov/PIDPgrants.* Notice of selection is not authorization to begin performance or to incur costs for the proposed project. Following that announcement, MARAD will contact the point of contact listed

in the SF 424 to initiate negotiation of the grant agreement.

Recipients of an award will not receive a lump-sum cash disbursement at the time of award announcement or obligation of funds. Instead, PIDP grant funds will reimburse recipients only after a grant agreement has been executed, allowable expenses are incurred, and a valid request for reimbursement has been submitted. PIDP grant recipients must adhere to applicable requirements and follow established procedures to receive reimbursement.

2. Administrative and National Policy Requirements

DOT will determine the period of performance for each award based on the specific project that was evaluated and selected. DOT will administer each PIDP Grant pursuant to a grant agreement with the grant recipient. Amounts awarded as a grant under this notice that are not expended by the grant recipient shall remain available to DOT for use for grants under this program.

The grant agreement between a grant recipient and MARAD includes two attachments: One labelled ''Exhibits'' and one labelled ''General Terms and Conditions.'' These attachments include most of the administrative and national policy requirements applicable to PIDP grant awards. Please visit *https://www.maritime.dot.gov/grants/federal-grant-assistance/federal-grant-assistance* for the Exhibits and General Terms and Conditions for FY 2020 PIDP awards. The FY 2021 PIDP Exhibits and General Terms and Conditions will be similar to the FY 2020 PIDP documents, but may include updates.

Unless authorized by DOT in writing after DOT's announcement of FY 2021 PIDP awards, any costs incurred prior to DOT's obligation of funds for a project (''pre-award costs'') are ineligible for reimbursement and are ineligible to count as match for cost share requirements.[10]

All awards will be administered pursuant to the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards found in 2 CFR part 200, as adopted by DOT at 2 CFR part 1201. Additionally, other applicable Federal laws, Executive Orders, and any rules, regulations, and requirements of MARAD will apply to the projects that receive PIDP Grant awards.

As expressed in Executive Order 14005, *Ensuring the Future Is Made in All of America by All of America's Workers* (86 FR 7475), it is the policy of the executive branch to use terms and conditions of Federal financial assistance awards to maximize the use of goods, products, and materials produced in, and services offered in, the United States. Consistent with the requirements of Section 410 of Division L—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2021 (Pub. L. 116–260, December 27, 2020), the Buy American requirements of 41 U.S.C. 8301–8305 apply to funds made available under this notice and other expenditures within the scope of the award, and all grant recipients must apply, comply with, and implement all provisions of the Buy American Act and related provisions in the grant agreement when implementing PIDP Grant projects. If selected for an award, grant recipients will be required to obtain approval from DOT before applying any Buy American Act exception. To obtain that approval, grant recipients must be prepared to demonstrate how they will maximize the use of domestic goods, products, and materials in constructing their project.

In connection with any program or activity conducted with or benefiting from funds awarded under this notice, recipients of funds must comply with all applicable requirements of Federal law, including, without limitation, the Constitution of the United States; statutory, regulatory, and public policy requirements, including without limitation, those protecting free speech, religious liberty, public welfare, the environment, and prohibiting discrimination; the conditions of performance, nondiscrimination requirements, and other assurances made applicable to the award of funds in accordance with regulations of DOT; and applicable Federal financial assistance and contracting principles promulgated by the Office of Management and Budget. In complying with these requirements, recipients, in particular, must ensure that no concession agreements are denied or other contracting decisions made on the basis of speech or other activities protected by the First Amendment. If DOT determines that a recipient has failed to comply with applicable Federal requirements, DOT may terminate the award of funds and disallow previously incurred costs, requiring the recipient to reimburse any expended award funds.

The Recipient shall award each contract or sub-contract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping, or related services with respect to the project in the same manner that a contract for architectural and engineering services is negotiated under the Brooks Act, 40 U.S.C. 1101–1104, or an equivalent qualifications-based requirement prescribed for or by the Recipient and approved in writing by DOT.

Additionally, Federal wage rate requirements included in subchapter IV of chapter 31 of title 40, U.S.C., apply to all projects receiving funds under this program, and apply to all parts of the project, whether funded with PIDP grant funds, other Federal funds, or non-Federal funds.

3. Reporting

This section of the notice provides general information about the reporting requirements that accompany PIDP Grant funding. Potential applicants should review these requirements to ensure that they can satisfy them if they receive an award. A recipient's failure to timely submit required reports may result in termination of an award and a legal requirement for the recipient to return funding to DOT.

a. Progress Reporting on Grant Activities

Each applicant selected for PIDP Grants funding must submit quarterly progress reports and Federal Financial Reports (SF–425) to monitor project progress and ensure accountability and financial transparency in the PIDP.

b. Outcome Performance Reporting

Each applicant selected for PIDP grant funding must collect information and report on the project's observed performance with respect to the relevant long-term outcomes that are expected to be achieved through construction of the project. Performance indicators will include formal goals or targets for a period determined by DOT. They will be used to evaluate and compare projects and monitor the results that grant funds achieve to the intended long-term outcomes of the PIDP. To the extent possible, performance indicators used in the reporting will relate to at least one of the merit criteria defined in Section E and to a benefit estimated in the BCA. DOT expects that the level of performance will be consistent with estimates used in the applicant's BCA. Performance reporting continues for three years after project construction is completed, and DOT does not provide

[10] Pre-award costs are costs incurred prior to the effective date of the Federal award directly pursuant to the negotiation and anticipation of the PIDP award where such costs are necessary for efficient and timely performance of the scope of work, as determined by DOT.

PIDP grant funding specifically for performance reporting. For each project selected for award, DOT, with input from the grant recipients, will identify the measures to be collected. Those measures and the reporting requirements will be formalized in the agreement obligating award funds for the project.

c. Port Performance Reporting

DOT is required to report annually on port performance (see Sec. 6314 of the FAST Act). To help DOT more accurately assess port performance, PIDP grant recipients will be required to enter a data sharing agreement to submit to DOT information where consistent data related to the project, particularly on cargo throughput, is not publicly available and difficult to collect from ports and port terminals. Data, which must originate from the port, that will be required as a condition of award may include some or all the following:

- Total capacity of inbound and outbound cargo
- Total volume of inbound and outbound cargo
- Average number of lifts per hour of containers by crane
- Average vessel turn time by vessel type
- Average cargo or container dwell time
- Port storage capacity and utilization
- Modal throughput statistics, including rail and truck turn times
- Types of cargo moved
- Presences and location of intermodal connectors
- Physical size of the terminals within the port boundaries
- Maximum authorized channel depth and maximum actual/current channel depth
- Schedule vessel arrivals (for use in determining vessel on-time performance)
- Berth utilization

Details and definitions on the data elements described above will be provided in the data sharing agreement with DOT.

d. Reporting of Matters Related to Recipient Integrity and Performance

If the total value of a selected applicant's currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds $10,000,000 for any period of time during the period of performance of this Federal award, then the applicant during that period of time must maintain the currency of information reported to the SAM that is made available in the designated integrity and performance system (currently FAPIIS) about civil, criminal, or administrative proceedings described in paragraph 2 of this award term and condition. This is a statutory requirement under section 872 of Public Law 110–417, as amended (41 U.S.C. 2313). As required by section 3010 of Public Law 111–212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.

G. Federal Awarding Agency Contacts

For further information concerning this notice please contact the PIDP staff via email at *PIDPgrants@dot.gov,* or call Peter Simons, Supervisory Transportation Specialist, Office of Port Infrastructure Development, at 202–366–8921. A TDD is available for individuals who are deaf or hard of hearing at 202–366–3993. In addition, DOT will post answers to questions and requests for clarifications at *www.maritime.dot.gov/PIDPgrants.* To ensure applicants receive accurate information about eligibility or the program, the applicant is encouraged to contact DOT directly, rather than through intermediaries or third parties, with questions. DOT may also conduct briefings on the PIDP Grants selection and award process upon request.

H. Other Information

1. Protection of Confidential Business Information

All information submitted as part of or in support of any application shall use publicly available data or data that can be made public and methodologies that are accepted by industry practice and standards, to the extent possible. If the applicant submits information that the applicant considers to be a trade secret or confidential commercial or financial information, the applicant must provide that information in a separate document, which the applicant may cross-reference from the application narrative or other portions of the application. For the separate document containing confidential information, the applicant must do the following: (1) State on the cover of that document that it ''Contains Confidential Business Information (CBI)''; (2) mark each page that contains confidential information with ''CBI''; (3) highlight or otherwise denote the confidential content on each page; and (4) at the end of the document, explain how disclosure of the confidential information would cause substantial competitive harm. DOT will protect confidential information complying with these requirements to the extent required under applicable law. If DOT receives a Freedom of Information Act (FOIA) request for the information that the applicant has marked in accordance with this section, DOT will follow the procedures described in its FOIA regulations at 49 CFR 7.29. Only information that is in the separate document, marked in accordance with this section, and ultimately determined to be confidential under 7.29 will be exempt from disclosure under FOIA.

2. Publication/Sharing of Application Information

Following the completion of the selection process and announcement of awards, DOT intends to publish a list of all applications received along with the names of the applicant organizations and funding amounts requested. Except for the information properly marked as described in Section H.1., DOT may make application narratives publicly available or share application information within DOT or with other Federal agencies if DOT determines that sharing is relevant to the respective program's objectives.

(Authority: 46 U.S.C. 50302, Pub. L. 116–260 (December 27, 2020), 49 CFR 1.93(a))

By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2021–07852 Filed 4–15–21; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See **SUPPLEMENTARY INFORMATION** section for effective date.

FOR FURTHER INFORMATION CONTACT: OFAC: Andrea Gacki, Director, tel.:

202–622–2480; Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel.: 202–622–4855; or the Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's website (*www.treasury.gov/ofac*).

Notice of OFAC Action

On April 13, 2021, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following person are blocked under the relevant sanctions authority listed below.

Individual

1. FLORES SILVA, Audias (a.k.a. ''El Jardinero''), Mexico; DOB 19 Nov 1980; POB Michoacan de Ocampo, Mexico; nationality Mexico; Gender Male; C.U.R.P. FOSA801119HMNLLD09 (Mexico) (individual) [SDNTK]. Identified as a significant foreign narcotics trafficker pursuant to section 805(b)(1) of the Foreign Narcotics Kingpin Designation Act (Kingpin Act), 21 U.S.C. 1904(b)(1).

Dated: April 13, 2021.

Bradley T. Smith,

Acting Director, Office of Foreign Assets Control, U.S. Department of the Treasury.

[FR Doc. 2021–07871 Filed 4–15–21; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Request for Transfer of Property Seized/ Forfeited by a Treasury Agency

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on this request.

DATES: Comments should be received on or before May 17, 2021 to be assured of consideration.

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 the submissions may be obtained from Spencer W. Clark by emailing *PRA@treasury.gov,* calling (202) 927–5331, or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

Departmental Offices (DO)

Title: Request for Transfer of Property Seized/Forfeited by a Treasury Agency.

OMB Control Number: 1505–0152.

Type of Review: Revision of a currently approved collection.

Description: As stated in the Department of the Treasury Guide to Equitable Sharing for Federal, State and Local Law Enforcement Agencies, after a seizure in a joint investigation the participating state, local or tribal law enforcement agency may request a share of the forfeited assets by submitting the Treasury Form TD F 92–22.46 to the investigative agency completing the forfeiture. The form is being updated to add fields to collect Title IV information required by the Department of the Treasury Civil Rights Office.

Form: TD F 92–22.46.

Affected Public: State, Local and Tribal Governments.

Estimated Number of Respondents: 7,000.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 7,000.

Estimated Time per Response: 30 minutes.

Estimated Total Annual Burden Hours: 3,500.

Authority: 44 U.S.C. 3501 et seq.

Dated: April 13, 2021.

Spencer W. Clark,

Treasury PRA Clearance Officer.

[FR Doc. 2021–07856 Filed 4–15–21; 8:45 am]

BILLING CODE 4810–AK–P

UNIFIED CARRIER REGISTRATION PLAN

Sunshine Act Meeting Notice; Unified Carrier Registration Plan Board of Directors Meeting

TIME AND DATE: April 22, 2021, from Noon to 3:00 p.m., Eastern time.

PLACE: This meeting will be accessible via conference call and screen sharing. Any interested person may call 877–853–5247 (US toll free), 888–788–0099 (US toll free), +1 929–205–6099 (US toll), or +1 669–900–6833 (US toll), Conference ID 945 1902 6852, to participate in the meeting. The website to participate via Zoom Meeting and screen share is *https://kellen.zoom.us/j/94519026852.*

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED: The Unified Carrier Registration Plan Board of Directors (the ''Board'') will continue its work in developing and implementing the Unified Carrier Registration Plan and Agreement. The subject matter of the meeting will include:

Agenda

I. Welcome and Call to Order—UCR Board Chair

The UCR Board Chair will welcome attendees, call the meeting to order, call roll for the Board, confirm the presence of a quorum, and facilitate self-introductions.

II. Verification of Meeting Notice—UCR Executive Director

The UCR Executive Director will verify publication of the meeting notice on the UCR website and distribution to the UCR contact list via email followed by subsequent publication of the notice in the **Federal Register**.

III. Review and Approval of Board Agenda—UCR Board Chair

For Discussion and Possible Action

Agenda will be reviewed and the Board will consider adoption.

Ground Rules

➢ Board actions taken only in designated areas on agenda

IV. Approval of Minutes of the March 11, 2021 UCR Board Meeting—UCR Board Chair

For Discussion and Possible Action

Draft Minutes of the March 11, 2021 UCR Board meeting will be reviewed. The Board will consider action to approve.

V. Report of FMCSA—FMCSA Representative

The Federal Motor Carrier Safety Administration (FMCSA) will provide a report on any relevant activity.

VI. Recommendation of the Appointment of a Vice-Chair—UCR Board Chair and UCR Executive Director

For Discussion and Possible Action

The current UCR Vice-Chair has requested that he not be re-appointed to serve another term as a Director on the UCR Board. Therefore, on January 28, 2021, the UCR Board voted to

recommend an individual to serve as a Director to succeed the current Vice-Chair. However, at the January 28, 2021 meeting, the UCR Board action did not include a recommendation to the US DOT Secretary to appoint a Vice-Chair. The UCR Board will discuss and may take action to recommend to the US DOT Secretary the appointment of a Director to serve as Vice-Chair.

VII. Updates Concerning UCR Legislation—UCR Board Chair

The UCR Board Chair will call for any updates regarding UCR legislation since the last Board meeting.

VIII. Chief Legal Officer Report—UCR Chief Legal Officer

The UCR Chief Legal Officer will provide an update on the status of the March 2019 data event.

IX. Subcommittee Reports

Audit Subcommittee—UCR Audit Subcommittee Chair

A. MCS–150 Retreat Audit Program—UCR Audit Subcommittee Chair and DSL Transportation

The UCR Audit Subcommittee Chair and the DSL Transportation will lead a discussion regarding the MCS–150 retreat audit program provided by UCR and the progress made with participating states. States may opt into the program. States will remain engaged in the retreat audit process but may have a lesser burden of having to attend to unresponsive/unproductive retreat audits.

B. Solicitation Campaigns for Unregistered Carriers Domiciled in Non-Participating States—UCR Subcommittee Chair and DSL Transportation

The UCR Audit Subcommittee Chair and the DSL Transportation will lead a discussion regarding new solicitation campaigns that will focus on unregistered carriers that appear to operate in interstate commerce and are domiciled in any of the non-participating states.

C. 2020 State UCR Audit Reports—UCR Audit Subcommittee Chair

The UCR Audit Subcommittee Chair will lead a discussion regarding the states upcoming obligations regarding 2020 audit reports. State participants on the call will receive a reminder that the 2020 UCR state annual audit reports are subject to review after March 31, 2021.

D. NRS Testing—Penetration and Vulnerability Testing—UCR Technology Manager

The UCR Technology Manager will provide an update on the status of testing the National Registration System (NRS) to ensure that appropriate measures are taken to resist unwanted attacks.

E. State Compliance Reviews—UCR Depository Manager

The UCR Depository Manager will provide an update on plans to conduct state compliance reviews and will remind states that have been selected for reviews in 2021.

F. Depository Audit Update—UCR Depository Manager

The UCR Depository Manager will provide an update on the status of the 2019 financial statement audit of the UCR Depository and plans for closing the 2019 registration year.

Finance Subcommittee—UCR Finance Subcommittee Chair

A. Funding the Directors and Officers Liability Insurance Reserve—Subcommittee Chair and Depository Manager

For Discussion and Possible Board Action

The Subcommittee Chair and the Depository Manager will present funding options for the Directors and Officers Liability Insurance Reserve. The Board may take action to approve funding this reserve. The Finance Subcommittee recommends that the Board fund this reserve.

B. Funding the Special or Capital Projects Reserve—Subcommittee Chair and Depository Manager

For Discussion and Possible Board Action

The Subcommittee Chair and the Depository Manager will present funding options for the Special or Capital Projects Reserve. The Board may take action to approve funding this reserve. The Finance Subcommittee recommends that the Board fund this reserve.

C. Maturing of Certificate of Deposit—UCR Depository Manager

For Discussion and Possible Board Action

The UCR Depository Manager will provide an update on the CD that matures on April 13, 2021. The Board may take action to reinvest the proceeds. The Finance Subcommittee recommends to the Board that the proceeds be reinvested in a 6-month CD at the Bank of North Dakota.

D. Review UCR Bank Balance Summary Report—UCR Depository Manager

The UCR Depository Manager will review the UCR Bank Balance Summary Report as of March 31, 2021 and answer questions from the Board.

E. Review 2021 Administrative Expenses Through March 31, 2021—UCR Depository Manager

The UCR Depository Manager will present the administrative costs incurred for the period of January 1, 2021 through March 31, 2021, compared to the budget for the same time-period, and discuss all significant variances.

F. Status of 2020 and 2021 Registration Years Fee Collections and Compliance Percentages—UCR Depository Manager

The UCR Depository Manager will provide updates on the results of collections and registration compliance rates for the 2020 and 2021 registration years.

G. Final Distributions to States for the 2021 Registration Year—UCR Depository Manager

The UCR Depository Manager will discuss the final distribution from the Depository for the 2021 registration year, which was completed this week. All participating states have now met their full revenue entitlements for the 2021 registration year.

Education and Training Subcommittee—UCR Education and Training Subcommittee Chair

• Update on Basic Audit Training Module and Flow Chart/Decision Tree—UCR Education and Training Subcommittee Chair

The UCR Education and Training Subcommittee Chair will provide an update on the development of the Basic Audit Training Module and Flow Chart/Decision Tree.

X. Contractor Reports—UCR Executive Director

• UCR Executive Director's Report

The UCR Executive Director will provide a report covering recent activity for the UCR Plan.

• DSL Transportation Services, Inc.

DSL Transportation Services, Inc. will report on the latest data from the FARs program, discuss motor carrier inspection results, and other matters.

• Seikosoft

Seikosoft will provide an update on recent/new activity related to the NRS.

• UCR Administrator Report (Kellen)—UCR Operations and Depository Manager

The UCR Staff will provide a management report covering recent activity for the Depository, Operations, and Communications.

XI. Other Business—UCR Board Chair

The UCR Board Chair will call for any business, old or new, from the floor.

XII. Adjournment—UCR Board Chair

The UCR Board Chair will adjourn the meeting.

This agenda will be available no later than 5:00 p.m. Eastern time, April 14, 2021 at: *https://plan.ucr.gov.*

CONTACT PERSON FOR MORE INFORMATION: Elizabeth Leaman, Chair, Unified Carrier Registration Plan Board of Directors, (617) 305–3783, *eleaman@board.ucr.gov.*

Alex B. Leath,

Chief Legal Officer, Unified Carrier Registration Plan.

[FR Doc. 2021–07986 Filed 4–14–21; 11:15 am]

BILLING CODE 4910–YL–P

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H.R. 1868/P.L. 117–7
To prevent across-the-board direct spending cuts, and for other purposes. (Apr. 14, 2021; 135 Stat. 251)

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