FEDERAL REGISTER

Vol. 86 Thursday

No. 115 June 17, 2021

Pages 32185–32360

OFFICE OF THE FEDERAL REGISTER

The **FEDERAL REGISTER** (ISSN 0097–6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Publishing Office, is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

The **FEDERAL REGISTER** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see *www.federalregister.gov.*

The seal of the National Archives and Records Administration authenticates the Federal Register as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge at *www.govinfo.gov*, a service of the U.S. Government Publishing Office.

The online edition of the **Federal Register** is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6:00 a.m. each day the **Federal Register** is published and includes both text and graphics from Volume 1, 1 (March 14, 1936) forward. For more information, contact the GPO Customer Contact Center, U.S. Government Publishing Office. Phone 202-512-1800 or 866-512-1800 (toll free). E-mail, *gpocusthelp.com.*

The annual subscription price for the **Federal Register** paper edition is $860 plus postage, or $929, for a combined **Federal Register, Federal Register** Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the **Federal Register** Index and LSA is $330, plus postage. Six month subscriptions are available for one-half the annual rate. The prevailing postal rates will be applied to orders according to the delivery method requested. The price of a single copy of the daily **Federal Register,** including postage, is based on the number of pages: $11 for an issue containing less than 200 pages; $22 for an issue containing 200 to 400 pages; and $33 for an issue containing more than 400 pages. Single issues of the microfiche edition may be purchased for $3 per copy, including postage. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard, American Express, or Discover. Mail to: U.S. Government Publishing Office—New Orders, P.O. Box 979050, St. Louis, MO 63197-9000; or call toll free 1-866-512-1800, DC area 202-512-1800; or go to the U.S. Government Online Bookstore site, see *bookstore.gpo.gov.*

There are no restrictions on the republication of material appearing in the **Federal Register.**

How To Cite This Publication: Use the volume number and the page number. Example: 86 FR 12345.

Postmaster: Send address changes to the Superintendent of Documents, Federal Register, U.S. Government Publishing Office, Washington, DC 20402, along with the entire mailing label from the last issue received.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	**202–512–1800**
Assistance with public subscriptions	**202–512–1806**
General online information	**202–512–1530; 1–888–293–6498**

Single copies/back copies:

Paper or fiche	**202–512–1800**
Assistance with public single copies	**1–866–512–1800 (Toll-Free)**

FEDERAL AGENCIES

Subscriptions:

Assistance with Federal agency subscriptions:

Email	*FRSubscriptions@nara.gov*
Phone	**202–741–6000**

The Federal Register Printing Savings Act of 2017 (Pub. L. 115-120) placed restrictions on distribution of official printed copies of the daily **Federal Register** to members of Congress and Federal offices. Under this Act, the Director of the Government Publishing Office may not provide printed copies of the daily **Federal Register** unless a Member or other Federal office requests a specific issue or a subscription to the print edition. For more information on how to subscribe use the following website link: *https://www.gpo.gov/frsubs.*

Contents

Federal Register

Vol. 86, No. 115

Thursday, June 17, 2021

Reader Aids

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

To subscribe to the Federal Register Table of Contents electronic mailing list, go to https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new, enter your e-mail address, then follow the instructions to join, leave, or manage your subscription.

CFR PARTS AFFECTED IN THIS ISSUE

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

3 CFR

Proclamations:

10228.....32359

10 CFR

Proposed Rules:

431.....32332

14 CFR

111.....32185

26 CFR

1.....32185

27 CFR

9 (3 documents) 32186, 32189, 32191

32 CFR

45.....32194

33 CFR

165 (4 documents) 32215, 32218, 32219

40 CFR

147.....32221

47 CFR

73.....32221

50 CFR

665.....32239

Proposed Rules:

17.....32241

Rules and Regulations

Federal Register
Vol. 86, No. 115
Thursday, June 17, 2021

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 111

[Docket No.: FAA–2020–0246; Amdt. Nos. 11–65, 91–363, and 111–1A]

RIN 2120–AK31

Pilot Records Database; Correction

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

ACTION: Final rule; correction.

SUMMARY: On June 10, 2021, the FAA published a final rule regarding the use of an electronic Pilot Records Database (PRD) and implementing statutory requirements to facilitate the sharing of pilot records among air carriers and other operators in an electronic data system managed by the FAA. An error in one of the amendatory instructions resulted in an incorrect effective date. This document corrects that effective date.

DATES: This correction is effective August 9, 2021.

FOR FURTHER INFORMATION CONTACT: Christopher Morris, 3500 S MacArthur Blvd, ARB301, Oklahoma City, Oklahoma 73179; telephone (405) 954–4646; email *christopher.morris@faa.gov.*

SUPPLEMENTARY INFORMATION: The final rule, published June 10, 2021, at 86 FR 31006, amends Title 14 of the Code of Federal Regulations (14 CFR) by adding new part 111, Pilot Records Database (PRD). The amendment adding part 111 was intended to be effective on August 9, 2021, but was erroneously printed with an effective date of September 8, 2021.

Therefore, in FR Doc. 2021–11424 appearing on page 31006 in the **Federal Register** of Thursday, June 10, 2021, the following corrections are made:

PART 111 [CORRECTED]

■ 1. On page 31060, in the second column, in amendment 5, the instruction ''Effective September 8, 2021, add part 111 to subchapter G to read as follows:'' is corrected to read ''Effective August 9, 2021, add part 111 to subchapter G to read as follows:''

Issued in Washington, DC, under the authority of 49 U.S.C. 106(f), U.S.C. 106(f), 106(g) 44701(a), 44703, 44711, 46105, and 46301 on or about June 11, 2021.

Timothy R. Adams,

Acting Executive Director, Office of Rulemaking, Federal Aviation Administration.

[FR Doc. 2021–12749 Filed 6–16–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9942]

RIN 1545–BP53

Small Business Taxpayer Exceptions Under Sections 263A, 448, 460 and 471; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correcting amendments.

SUMMARY: This document contains corrections to the final regulations Treasury Decision 9942, that were published in the **Federal Register** on Tuesday, January 5, 2021. The final regulations implemented legislative changes that simplify the application of certain tax accounting provisions for eligible businesses with average annual gross receipts that do not exceed $25,000,000, adjusted for inflation.

DATES: These corrections are effective on June 17, 2021. For dates of applicability, see §§ 1.263A–1(a)(2)(i), 1.263A–1(m)(6), 1.263A–2(g)(4), 1.263A–3(f)(2), 1.263A–4(g)(2), 1.263A–7(a)(4)(ii), 1.381(c)(5)–1(f), 1.446–1(c)(3), 1.448–2(h), 1.448–3(h), 1.460–1(h)(3), 1.460–3(d), 1.460–4(i), 1.460–6(k), and 1.471–1(c).

FOR FURTHER INFORMATION CONTACT: Concerning §§ 1.460–1 through 1.460–6, Innessa Glazman, (202) 317–7006; concerning all other regulations in this document, Anna Gleysteen, (202) 317–7007.

SUPPLEMENTARY INFORMATION:

Background

The final regulations (TD 9942) that are the subject of this correction are issued under sections 263A, 448, 460, and 471 of the Internal Revenue Code.

Need for Correction

As published on January 5, 2021 (86 FR 254), the final regulations (TD 9942) contain errors that need to be corrected. In addition, a correction to Example 1 in § 1.263A–4(a)(5)(iii) is being made to conform to the statutory amendments made to section 263A by section 13102 of Public Law 115–97 (131 Stat. 2054), commonly referred to as the Tax Cuts and Jobs Act.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Correction of Publication

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

PART 1—INCOME TAXES

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

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

■ **Par. 2.** Section 1.263A–0 is amended by adding the entries for § 1.263A–1(m)(1) through (5) to read as follows:

§ 1.263A–0 Outline of regulations under section 263A.

* * * * *

§ 1.263A–1 Uniform Capitalization of Costs

* * * * *

(m) * * *

(1) In general.

(2) Mixed service costs; self-constructed tangible personal property produced on a routine and repetitive basis.

(3) Costs allocable to property sold; indirect costs; licensing and franchise costs.

(4) Materials and supplies.

(5) Definitions of section 471 costs and additional section 263A costs.

* * * * *

§ 1.263A–4 [Amended]

■ **Par. 3.** Section 1.263A–4 is amended by:

■ 1. Removing the language ''(a)(4)'' from the first sentence of paragraph (a)(1) and adding ''(a)(5)'' in its place,

■ 2. Adding the language ''(a)(3)'' to the first sentence of paragraph (a)(4), after the language ''(a)(2),'',

■ 3. Removing the language ''(a)(4)'' from paragraph (a)(5)(iii) and adding ''(a)(5)'' in its place, and

■ 4. Removing the last sentence of paragraph (a)(5)(iii) *Example 1.*

■ **Par. 4.** Section 1.263A–15 is amended by adding paragraph (a)(5) to read as follows:

§ 1.263A–15 Effective dates, transitional rules, and anti-abuse rule.

(a) * * *

(5) The last sentence of each of § 1.263A–8(a)(1) and § 1.263A–9(e)(2) apply to taxable years beginning on or after January 5, 2021. However, for a taxable year beginning after December 31, 2017, and before January 5, 2021, a taxpayer may apply the last sentence of each of § 1.263A–8(a)(1) and § 1.263A–9(e)(2), provided that the taxpayer follows all the applicable rules contained in the regulations under section 263A for such taxable year and all subsequent taxable years.

* * * * *

§ 1.448–2 [Amended]

■ **Par. 5.** Section 1.448–2 is amended by removing the language ''(g)(3)'' from the sixth sentence of paragraph (g)(1) and adding ''(g)'' in its place.

■ **Par. 6.** Section 1.460–0 is amended by revising the entry for § 1.460–3(b)(3) and adding entry (b)(3)(iii) to read as follows:

§ 1.460–0 Outline of regulations under section 460.

* * * * *

§ 1.460–3 Long-term construction contracts.

* * * * *

(b) * * *

(3) Gross receipts test.

* * * * *

(iii) Method of accounting.

* * * * *

§ 1.460–3 [Amended]

■ **Par. 7.** Section 1.460–3 is amended by removing the language ''Example'' from the heading of paragraph (b)(3)((ii)(D) and adding ''Examples'' in its place.

■ **Par. 8.** Section 1.460–6 is amended by revising the second sentence of paragraph (c)(3)(vi) to read as follows:

§ 1.460–6 Look-back method.

* * * * *

(c) * * *

(3) * * *

(vi) * * * Thus, the taxes, if any, imposed under sections 55 and 59A (relating to alternative and base erosion minimum tax, respectively) must be taken into account.* * *

* * * * *

Crystal Pemberton,

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

[FR Doc. 2021–12550 Filed 6–16–21; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Part 9

[Docket No. TTB–2020–0004; T.D. TTB–167; Ref: Notice No. 189]

RIN 1513–AC57

Establishment of the White Bluffs Viticultural Area

AGENCY: Alcohol and Tobacco Tax and Trade Bureau, Treasury.

ACTION: Final rule; Treasury decision.

SUMMARY: The Alcohol and Tobacco Tax and Trade Bureau (TTB) establishes the 93,738-acre ''White Bluffs'' viticultural area in Franklin County, Washington. The White Bluffs viticultural area is located entirely within the existing Columbia Valley 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.

DATES: This final rule is effective July 19, 2021.

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 to TTB 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 and provides that any interested party may petition TTB to establish a grape-growing region as an AVA. Section 9.12 of the TTB regulations (27 CFR 9.12) prescribes standards for petitions for the establishment or modification of AVAs. Petitions to establish an AVA must include the following:

- Evidence that the area within the proposed AVA boundary 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;
- A narrative description of the features of the proposed AVA affecting viticulture, such as climate, geology, soils, physical features, and elevation, that make the proposed AVA distinctive and distinguish it from adjacent areas outside the proposed AVA;
- If the proposed AVA is to be established within, or overlapping, an existing AVA, an explanation that both identifies the attributes of the proposed AVA that are consistent with the existing AVA and explains how the proposed AVA is sufficiently distinct from the existing AVA and therefore appropriate for separate recognition;
- The appropriate United States Geological Survey (USGS) map(s) showing the location of the proposed AVA, with the boundary of the proposed AVA clearly drawn thereon; and
- A detailed narrative description of the proposed AVA boundary based on USGS map markings.

White Bluffs Petition

TTB received a petition from Kevin Pogue, on behalf of local winemakers and vineyard owners, proposing to establish the ''White Bluffs'' AVA. The proposed AVA is located in Franklin County, Washington, and lies entirely within the established Columbia Valley AVA (27 CFR 9.74). Within the 93,738-acre proposed AVA, there are 9 commercial vineyards covering a total of approximately 1,127 acres, along with 1 winery. The distinguishing features of the proposed White Bluffs AVA are its topography, geology, soils, and climate.

The proposed White Bluffs AVA is located on a broad plateau that rises, on average, 200 feet above the surrounding landscape. The Ringold and Koontz Coulees divide the plateau into two distinct areas capped by flat regions with relatively even surfaces and south-facing slope aspects. Elevations within the proposed AVA range from 700 feet in the coulees to approximately 1,200 feet in the northeastern section of the proposed AVA. The majority of the proposed AVA has elevations between 800 and 1,000 feet. By contrast, the regions surrounding the proposed AVA are on the floor of the Columbia Valley and have lower elevations. According to the petition, the relatively flat terrain of the proposed AVA provides gently sloping vineyard sites. Southern aspects allow vines to absorb more solar energy per unit area than regions without a southern aspect. Greater solar energy absorption promotes an earlier onset of bud break, flowering, veraison, and harvest. The petition also states that vineyards planted on the plateau have a longer growing season than vineyards on the valley floor, where cold air pools and increases the risk of frost.

Beneath the proposed White Bluffs AVA is a thick layer of sedimentary rocks called the Ringold Formation, which was formed in lakes and rivers between 8.5 and 3.4 million years ago. The Ringold Formation overlies Columbia River basalt bedrock. The upper part of the Ringold Formation contains an erosion-resistant layer commonly referred to as caliche. This layer reaches depths of at least 15 feet and limits root penetration and the water-holding capabilities of the soil. As a result, areas with thick layers of caliche must undergo ripping with bulldozers to break up the caliche before planting vineyards. By contrast, the Ringold Formation and the caliche layer are much thinner or entirely absent in the regions surrounding the proposed AVA, allowing roots to come into contact with the basalt bedrock and a variety of minerals including olivine and plagioclase feldspar.

The soils of the proposed AVA derive from wind-deposited silt and fine sand overlying sediment deposited by ice-age floods. Most of the flood sediment is a mixture of silt and sand that settled out of suspension in glacial Lake Lewis. The thickness of the flood sediment gradually increases with decreasing elevation, since there were multiple ice-age floods of varying intensity and the lower elevations were flooded more frequently. As a result, the soil depths on the plateau that comprises the proposed AVA are likely to be thinner than those of the surrounding valley floor. The thinness of the soils in the proposed AVA allows roots to reach the clay-rich Ringold Formation. High clay content allows the soils to release water more slowly than sandier soils, putting less stress on grapevines during dry conditions.

The petition states that the proposed White Bluffs AVA has a longer growing season than the surrounding regions. According to the petition, the longer growing season means that the proposed AVA is less prone to spring frosts that can damage the vines after bud break, and is also less likely to experience fall frosts that halt the ripening process and delay harvest. The growing season within the proposed AVA averages 237.5 days, while the region to the north averages 200 days. The region to the east averages 169 days, and the region to the south averages 191 days. Climate data was not available for the region to the west of the proposed AVA.

Notice of Proposed Rulemaking and Comments Received

TTB published Notice No. 189 in the **Federal Register** on May 27, 2020 (85 FR 31723), proposing to establish the White Bluffs AVA. In the notice, TTB summarized the evidence from the petition regarding the name, boundary, and distinguishing features for the proposed AVA. The notice also compared the distinguishing features of the proposed AVA to the surrounding areas. For a detailed description of the evidence relating to the name, boundary, and distinguishing features of the proposed AVA, and for a detailed comparison of the distinguishing features of the proposed AVA to the surrounding areas, see Notice No. 189.

In Notice No. 189, TTB solicited comments on the accuracy of the name, boundary, and other required information submitted in support of the petition. In addition, given the proposed White Bluff AVA's location within the Columbia Valley AVA, TTB solicited comments on whether the evidence submitted in the petition regarding the distinguishing features of the proposed AVA sufficiently differentiates it from the established AVA. TTB also requested comments on whether the geographic features of the proposed AVA are so distinguishable from the established Columbia Valley AVA that the proposed AVA should no longer be part of the established AVA. The comment period closed on July 27, 2020.

In response to Notice No. 189, TTB received a total of two comments. Both comments were from local wine industry members who supported the proposed AVA. The first comment reiterated the petition's claims of unique soil, geology, topography, and climate, which the commenter states makes the proposed AVA a ''special area in Washington.'' The second comment supported the proposed AVA due to its ''distinctive micro-climate, soil, and ultimately unique grape growing character.'' Neither comment addressed the question of whether the proposed White Bluffs AVA was so distinct that it should be removed from the established Columbia Valley AVA.

TTB Determination

After careful review of the petition and the comments received in response to Notice No. 189, TTB finds that the evidence provided by the petitioner supports the establishment of the White Bluffs AVA. Accordingly, under the authority of the FAA Act, section 1111(d) of the Homeland Security Act of 2002, and parts 4 and 9 of the TTB

regulations, TTB establishes the ''White Bluffs'' AVA in Franklin County, Washington, effective 30 days from the publication date of this document.

TTB has also determined that the White Bluffs AVA will remain part of the established Columbia Valley AVA. As discussed in Notice No. 189, the White Bluffs AVA shares some broad characteristics with the established AVA. For example, the proposed AVA and the Columbia Valley AVA both have elevations that are generally below 2,000 feet and geologies that contain Columbia River basalt. However, the proposed AVA consists of an elevated plateau, whereas most of the Columbia Valley AVA is described as a broad plain. Within the proposed AVA, the Ringold Formation forms a layer over the basalt bedrock that is generally thinner or not present elsewhere in the Columbia Valley. Finally, because ice-age floods less frequently inundated the proposed AVA than the surrounding regions of the Columbia Valley AVA, the proposed White Bluffs AVA's soils are generally shallower than the soils in most of the Columbia Valley AVA.

Boundary Description

See the narrative description of the boundary of the White Bluffs AVA in the regulatory text published at the end of this final rule.

Maps

The petitioners provided the required maps, and they are listed below in the regulatory text. You may also view the proposed White Bluffs Valley 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 or with a brand name that includes 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 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 27 CFR 4.39(i)(2) for details.

With the establishment of the White Bluffs AVA, its name, ''White Bluffs,'' 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 regulations clarifies this point. Consequently, wine bottlers using the name ''White Bluffs'' in a brand name, including a trademark, or in another label reference as to the origin of the wine, will have to ensure that the product is eligible to use the AVA name as an appellation of origin.

The establishment of the White Bluffs AVA will not affect the existing Columbia Valley AVA, and any bottlers using ''Columbia Valley'' as an appellation of origin or in a brand name for wines made from grapes grown within the Columbia Valley will not be affected by the establishment of this new AVA. The establishment of the White Bluffs AVA will allow vintners to use ''White Bluffs'' and ''Columbia Valley'' as appellations of origin for wines made primarily from grapes grown within the White Bluffs AVA if the wines meet the eligibility requirements for these appellations.

Regulatory Flexibility Act

TTB certifies that this regulation will not have a significant economic impact on a substantial number of small entities. The regulation imposes no new reporting, recordkeeping, or other administrative requirement. Any benefit derived from the use of an AVA 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 final 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 final rule.

List of Subjects in 27 CFR Part 9

Wine.

The Regulatory Amendment

For the reasons discussed in the preamble, TTB amends 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.

Subpart C—Approved American Viticultural Areas

■ 2. Subpart C is amended by adding § 9.275 to read as follows:

§ 9.275 White Bluffs.

(a) *Name.* The name of the viticultural area described in this section is ''White Bluffs''. For purposes of part 4 of this chapter, ''White Bluffs'' is a term of viticultural significance.

(b) *Approved maps.* The 10 United States Geological Survey (USGS) 1:24,000 scale topographic maps used to determine the boundary of the White Bluffs viticultural area are titled:

(1) Hanford, NE, Washington, 1986;

(2) Mesa West, Washington, 1986;

(3) Wooded Island, Washington, 1992;

(4) Matthews Corner, Washington, 1992;

(5) Basin City, Washington, 1986;

(6) Eltopia, Washington, 1992;

(7) Eagle Lakes, Washington, 1986;

(8) Savage Island, Washington, 1986;

(9) Richland, Washington, 1992; and

(10) Columbia Point, Washington, 1992.

(c) *Boundary.* The White Bluffs viticultural area is located in Franklin County in Washington. The boundary of the White Bluffs viticultural area is as described below:

(1) The beginning point is on the Richland map at the intersection of Columbia River Road and an unnamed secondary highway known locally as Sagemoor Road. From the beginning point, proceed north along Columbia River Road, crossing onto the Wooded Island map, to the Potholes Canal; then

(2) Proceed west along the Potholes Canal for 150 feet to its intersection with the shoreline of the Columbia River; then

(3) Proceed north along the Columbia River shoreline, crossing onto the Savage Island map, to the intersection of the shoreline with the Wahluke Slope Habitat Management boundary on Ringold Flat; then

(4) Proceed east, then generally northwesterly, along the Wahluke Slope Habitat Management boundary to its intersection with the 950-foot elevation contour along the western boundary of section 16, T13N/R29E; then

(5) Proceed easterly, then generally northeasterly, along the 950-foot elevation contour, passing over the Hanford NE map and onto the Eagle

Lakes map, to the intersection of the elevation contour with an unimproved road in the southeast corner of section 32, T14N/T29E; then

(6) Proceed east along the unimproved road for 100 feet to its intersection with an unnamed light-duty improved road known locally as Albany Road; then

(7) Proceed south along Albany Road, crossing onto the Basin City map, to the road's intersection with an unnamed improved light-duty road known locally as Basin Hill Road along the southern boundary of section 21, T13N/R29E; then

(8) Proceed south in a straight line for 2 miles to an improved light-duty road known locally as W. Klamath Road; then

(9) Proceed east along W. Klamath Road, crossing onto the Mesa West map, to the road's intersection with another improved light-duty road known locally as Drummond Road; then

(10) Proceed north along Drummond Road for 0.75 mile to its intersection with a railroad; then

(11) Proceed easterly along the railroad to its intersection with an improved light-duty road known locally as Langford Road in the northeastern corner of section 4, T12N/R30E; then

(12) Proceed south along Langford Road for 0.5 mile to its intersection with the 800-foot elevation contour; then

(13) Proceed southwesterly along the 800-foot elevation contour, crossing onto the Eltopia map, to the contour's intersection with Eltopia West Road; then

(14) Proceed east along Eltopia West Road to its intersection with the 700-foot elevation contour; then

(15) Proceed southerly, then northerly along the 700-foot elevation contour, circling Jackass Mountain, to the contour's intersection with Dogwood Road; then

(16) Proceed west along Dogwood Road for 1.1 mile, crossing onto the Matthews Corner map, to the road's intersection with the 750-foot elevation contour; then

(17) Proceed southwesterly along the 750-foot elevation contour to its intersection with Taylor Flats Road; then

(18) Proceed south along Taylor Flats Road, crossing onto the Columbia Point map, to the road's intersection with Birch Road; then

(19) Proceed west along Birch Road for 1 mile to its intersection with Alder Road; then

(20) Proceed south along Alder Road for 0.7 mile to its intersection with the 550-foot elevation contour; then

(21) Proceed westerly along the 550-foot elevation contour to its intersection with Sagemoor Road; then

(22) Proceed westerly along Sagemoor Road for 0.7 mile, crossing onto the Richland map and returning to the beginning point.

Signed: January 4, 2021.

Mary G. Ryan,

Administrator.

Approved: January 1, 2021.

Timothy E. Skud,

Deputy Assistant Secretary (Tax, Trade, and Tariff Policy).

[FR Doc. 2021–12769 Filed 6–16–21; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Part 9

[Docket No. TTB–2020–0003; T.D. TTB–166; Ref: Notice No. 188]

RIN 1513–AC70

Establishment of the Palos Verdes Peninsula Viticultural Area

AGENCY: Alcohol and Tobacco Tax and Trade Bureau, Treasury.

ACTION: Final rule; Treasury decision.

SUMMARY: The Alcohol and Tobacco Tax and Trade Bureau (TTB) establishes the approximately 15,900-acre ''Palos Verdes Peninsula'' viticultural area in the southwestern coastal region of Los Angeles County, California. The Palos Verdes Peninsula viticultural area is not located within, nor does it contain, any established 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.

DATES: This final rule is effective July 19, 2021.

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 to TTB 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 and provides that any interested party may petition TTB to establish a grape-growing region as an AVA. Section 9.12 of the TTB regulations (27 CFR 9.12) prescribes standards for petitions for the establishment or modification of AVAs. Petitions to establish an AVA must include the following:

- Evidence that the area within the proposed AVA boundary 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;
- A narrative description of the features of the proposed AVA affecting viticulture, such as climate, geology, soils, physical features, and elevation, that make the proposed AVA distinctive and distinguish it from adjacent areas outside the proposed AVA;
- The appropriate United States Geological Survey (USGS) map(s) showing the location of the proposed AVA, with the boundary of the proposed AVA clearly drawn thereon; and
- A detailed narrative description of the proposed AVA boundary based on USGS map markings.

Palos Verdes Peninsula Petition

TTB received a petition from James York, owner of Catalina View Wines, on behalf of the Palos Verdes Peninsula Winegrowers, proposing to establish the ''Palos Verdes Peninsula'' AVA. The proposed AVA is located in Los Angeles County, California, and includes the cities of Palos Verdes Estates, Rolling Hills Estates, Rancho Palos Verdes, and Rolling Hills, California. The proposed AVA is not located within, nor does it contain, any established AVA. Within the 15,900-acre proposed AVA, there are 7 acres of commercial vineyards. The distinguishing features of the proposed Palos Verdes Peninsula AVA are its geology, soils, topography, and climate.

The proposed Palos Verdes Peninsula AVA is located on an isolated upland peninsula created by tectonic uplift and volcanic activity. Periods of intense geologic activity subjected the region of the proposed AVA to repeated cycles of uplift, erosion, submersion, and deposition. The submersion process laid down significant amounts of marine deposits, which contributed to the soil composition. Uplift created new lands, while erosion wore away the newly-formed lands to create the series of marine terraces that characterize the region's topography today. The geology of the proposed AVA consists primarily of the Monterey Formation and ancient landslides, which formed the basis for two of the primary soils of the proposed AVA—Altamont Clay Adobe and Altamont Clay Loam. A third soil commonly found in the proposed AVA is the Diablo Clay Adobe. These three soils are rich in clays, adobe, and loamy clay and contain high amounts of calcium. The soils retain moisture in dry weather while allowing for good drainage. According to the petition, the levels of calcium in the soils produce thicker grape skins than are found on the same grape varietals grown in non-calcareous soils. The thicker grape skins increase the amount of color, flavor, and aromatics in the resulting wine.

The topography of the proposed Palos Verdes Peninsula AVA consists of a low altitude mountain of the Coast Range situated between the Los Angeles Plain and the Pacific Ocean. Rolling hills, incised canyons, and coastal bluffs and terraces cover the proposed AVA. Elevations range from sea level on the western and southern edges of the proposed AVA to about 1,460 feet above sea level at San Pedro Hill, which is located near the eastern/central area of the Palos Verdes Hills. The slope angles of the vineyards in the proposed AVA range from gentle to high (0–50%). Terracing the vineyards that are planted on steeper slopes allows for drainage/erosion control, equipment access, and optimal solar orientation. The moderate slopes within the proposed AVA promote air flow to minimize mildew and frost risk and also allow for drainage of excess water. The aspects of the vineyard slopes face south, southeast, and southwest, providing year-round solar exposure. South-facing and southwest-facing slopes promote earlier bud break, bloom, and harvest than other aspects. Southeast-facing slopes bring morning radiation for soil warmth and canopy growth.

The climate of the proposed Palos Verdes Peninsula AVA is ''Mediterranean warm,'' which is characterized by warm, dry summers and mild winters with limited rainfall. Average monthly high temperatures within the proposed AVA range from 63 to 74 degrees Fahrenheit (F), and average monthly low temperatures range from 48 to 62 degrees F. Extreme monthly highs range from 74 to 84 degrees F, and extreme monthly lows range from 46 to 60 degrees. Average annual rainfall within the proposed AVA is 14.03 inches. According to the petition, these climatic conditions are suitable for growing grape varietals such as Pinot Noir, Chardonnay, Merlot, and Cabernet Sauvignon.

To the south and west of the proposed Palos Verdes Peninsula AVA is the Pacific Ocean. To the north, northeast, and east of the proposed AVA are relatively flat lowland areas with elevations ranging from sea level to about 500 feet and slope angles of 25 percent or less. These lowland regions experienced less intense levels of tectonic uplift and volcanic activity, and the geology consists mainly of surficial sediments, older surficial sediments, and shallow marine sediments. Soils to the north, northeast, and east of the proposed AVA have lower levels of clay and calcium than the soils of the proposed AVA. Monthly average temperatures in the regions surrounding the proposed AVA are generally warmer, ranging between 4 and 6 degrees F higher in the colder months and between 5 and 8 degrees F higher in the warmer months. The average highest and lowest monthly temperatures in the surrounding regions are also more extreme than those within the proposed Palos Verdes Peninsula. Finally, the average annual rainfall amounts are generally lower in the regions surrounding the proposed AVA.

Notice of Proposed Rulemaking and Comments Received

TTB published Notice No. 188 in the **Federal Register** on May 26, 2020 (85 FR 31416), proposing to establish the Palos Verde Peninsula AVA. In the notice, TTB summarized the evidence from the petition regarding the name, boundary, and distinguishing features for the proposed AVA. The notice also compared the distinguishing features of the proposed AVA to the surrounding areas. For a detailed description of the evidence relating to the name, boundary, and distinguishing features of the proposed AVA, and for a detailed comparison of the distinguishing features of the proposed AVA to the surrounding areas, see Notice No. 188.

In Notice No. 188, TTB solicited comments on the accuracy of the name, boundary, and other required information submitted in support of the petition. The comment period closed July 27, 2020.

In response to Notice No. 188, TTB received a total of four comments. The commenters included local wine industry members and a former member of the Rancho Palos Verdes Planning Commission. All of the comments supported the establishment of the proposed Palos Verdes Peninsula AVA. Two of the comments expressed support for the proposed AVA due to its unique characteristics (comments 3 and 4), one comment supported the proposal due to the quality of wines produced from grapes grown in the region (comment 1), and the fourth comment expressed general support for the proposal without offering an explanation (comment 2).

TTB Determination

After careful review of the petition and the comments received in response to Notice No. 188, TTB finds that the evidence provided by the petitioner supports the establishment of the Palos Verdes Peninsula AVA. Accordingly, under the authority of the FAA Act, section 1111(d) of the Homeland Security Act of 2002, and parts 4 and 9 of the TTB regulations, TTB establishes

the ''Palos Verdes Peninsula'' AVA in Los Angeles County, California, effective 30 days from the publication date of this document.

Boundary Description

See the narrative description of the boundary of the Palos Verdes Peninsula AVA in the regulatory text published at the end of this final rule.

Maps

The petitioners provided the required maps, and they are listed below in the regulatory text. You may also view the Palos Verdes Peninsula 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 or with a brand name that includes 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 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 27 CFR 4.39(i)(2) for details.

With the establishment of the Palos Verdes Peninsula AVA, its name, ''Palos Verdes Peninsula,'' 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 regulations clarifies this point. Consequently, wine bottlers using the name ''Palos Verdes Peninsula'' in a brand name, including a trademark, or in another label reference as to the origin of the wine, will have to ensure that the product is eligible to use the AVA name as an appellation of origin.

Regulatory Flexibility Act

TTB certifies that this regulation will not have a significant economic impact on a substantial number of small entities. The regulation imposes no new reporting, recordkeeping, or other administrative requirement. Any benefit derived from the use of an AVA 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 final 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 final rule.

List of Subjects in 27 CFR Part 9

Wine.

The Regulatory Amendment

For the reasons discussed in the preamble, TTB amends 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.

Subpart C—Approved American Viticultural Areas

■ 2. Subpart C is amended by adding § 9.274 to read as follows:

§ 9.274 Palos Verdes Peninsula.

(a) *Name.* The name of the viticultural area described in this section is ''Palos Verdes Peninsula''. For purposes of part 4 of this chapter, ''Palos Verdes Peninsula'' is a term of viticultural significance.

(b) *Approved maps.* The three United States Geological Survey (USGS) 1:24,000 scale topographic maps used to determine the boundary of the Palos Verdes Peninsula viticultural area are titled:

(1) Redondo Beach, CA, 1996;

(2) Torrance, Calif., 1964 (photorevised 1981); and

(3) San Pedro Calif., 1964 (photorevised 1981).

(c) *Boundary.* The Palos Verdes Peninsula viticultural area is located in the southwestern coastal region of Los Angeles County, and contains the cities of Palos Verdes Estates, Rolling Hills, Rolling Hills Estates, and Rancho Palos Verdes, California. The boundary of the Palos Verdes Peninsula viticultural area is as described below:

(1) The beginning point is on the Redondo Beach map at the intersection of the Pacific Ocean and the Torrance corporate boundary at Malaga Cove, R14W/T4S; then

(2) From the beginning point, proceed east, then generally southeast, along the Torrance corporate boundary, crossing onto the Torrance map, to the corporate boundary's intersection with the Lomita corporate boundary, R14W/T4S; then

(3) Proceed generally southeast along the Lomita corporate boundary to its intersection with Western Avenue, R14W/T4S; then

(4) Proceed south along Western Avenue, crossing onto the San Pedro map, to the road's intersection with the Los Angeles city boundary, R14W/T5S; then

(5) Proceed west, then generally south, then southwest along the Los Angeles city boundary to its intersection with the Pacific Ocean at Palos Verdes Peninsula Park, R14W/T5S; then

(6) Proceed clockwise along the Pacific coastline to return to the beginning point.

Signed: December 1, 2020.

Mary G. Ryan,

Administrator.

Approved: January 5, 2021.

Timothy E. Skud,

Deputy Assistant Secretary (Tax, Trade, and Tariff Policy).

[FR Doc. 2021–12770 Filed 6–16–21; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Part 9

[Docket No. TTB–2020–0005; T.D. TTB–168; Ref: Notice No. 190]

RIN 1513–AC60

Establishment of The Burn of Columbia Valley Viticultural Area

AGENCY: Alcohol and Tobacco Tax and Trade Bureau, Treasury.

ACTION: Final rule; Treasury decision.

SUMMARY: The Alcohol and Tobacco Tax and Trade Bureau (TTB) establishes the approximately 16,870-acre ''The Burn of Columbia Valley'' viticultural area in Klickitat County, Washington. The newly-established The Burn of Columbia Valley viticultural area is located entirely within the existing Columbia Valley 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.

DATES: This final rule is effective July 19, 2021.

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 to TTB 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 and provides that any interested party may petition TTB to establish a grape-growing region as an AVA. Section 9.12 of the TTB regulations (27 CFR 9.12) prescribes standards for petitions for the establishment or modification of AVAs. Petitions to establish an AVA must include the following:

- Evidence that the area within the proposed AVA boundary 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;
- A narrative description of the features of the proposed AVA affecting viticulture, such as climate, geology, soils, physical features, and elevation, that make the proposed AVA distinctive and distinguish it from adjacent areas outside the proposed AVA;
- If the proposed AVA is to be established within, or overlapping, an existing AVA, an explanation that both identifies the attributes of the proposed AVA that are consistent with the existing AVA and explains how the proposed AVA is sufficiently distinct from the existing AVA and therefore appropriate for separate recognition;
- The appropriate United States Geological Survey (USGS) map(s) showing the location of the proposed AVA, with the boundary of the proposed AVA clearly drawn thereon; and
- A detailed narrative description of the proposed AVA boundary based on USGS map markings.

The Burn of Columbia Valley Petition

TTB received a petition from Kevin Corliss, Vice President of Vineyards for Ste. Michelle Wine Estates, Joan R. Davenport, Professor of Soil Sciences at Washington State University, and John Derrick, Vice President of Operations for Mercer Ranches, Inc., proposing to establish ''The Burn of Columbia Valley'' AVA. The proposed AVA is located in Klickitat County, Washington, and lies entirely within the established Columbia Valley AVA (27 CFR 9.74). Within the 16,870-acre proposed AVA, there are 3 commercial vineyards, which cover a total of approximately 1,261 acres and are owned by two different entities. The distinguishing features of the proposed The Burn of Columbia Valley AVA are its soils, climate, and topography.

The soils of the proposed The Burn of Columbia Valley are primarily silty loams in the taxonomic order Mollisols. The soils are described as having good plant-available water holding capacity that are capable of delivering sufficient water to the vines during the growing season. The soils are also relatively high in organic material and provide adequate nutrients, particularly nitrogen, to the vines. The most common soil series and complexes in the proposed AVA are Walla Walla silt loam (without cemented substratum), Rock outcrop–Haploxeroll complex, Haploxeroll–Fluvaquent complex, Fluventic Haploxeroll–Riverwash complex, Rock outcrop Rubble and Complex, Wato silt loam, Walla Walla silt loam (with cemented substratum), Endicott silt loam, and Endicott–Moxee complex.

The climate within the proposed The Burn of Columbia Valley AVA is characterized by an average annual growing degree day [1] (GDD) accumulation of 2,763 GDDs, with a minimum of 2,405 GDDs and a maximum of 3,249 GDDs. The average annual GDD accumulations favor the production of grape varietals with higher heat unit requirements, such as Cabernet Sauvignon and Syrah, which are the two most commonly grown grape varietals within the proposed AVA. The proposed AVA receives an average of 8.76 inches of precipitation annually, with a minimum of 6.65 inches and a maximum of 10.44 inches. Low annual rainfall amounts mean that vineyards within the proposed AVA require supplemental irrigation.

The topography of the proposed The Burn of Columbia Valley AVA is comprised of gently sloping bench lands above the Columbia River. The average slope angle within the proposed AVA is 7.27 percent, which is suitable for mechanical cultivation of vineyards, yet is steep enough to avoid the pooling of cold air that could damage grapes. The proposed AVA also has a large, contiguous expanse of land with easterly and southern aspects, as well as a southeasterly aspect, which allows excellent sunlight exposure for vineyards.

To the east-northeast and northwest of the proposed AVA, the soils include series and complexes that are not

[1] See Albert J. Winkler et al., *General Viticulture* (Berkeley: University of California Press, 2nd. ed. 1974), pages 61–64. In the Winkler scale, the GDD regions are defined as follows: Region I = less than 2,500 GDDs; Region II = 2,501–3,000 GDDs; Region III = 3,001–3,500 GDDs; Region IV = 3,501–4,000 GDDs; Region V = greater than 4,000 GDDs.

present within the proposed AVA, including the Renslow–Ralls–Whipple complex, Van Nostern silt loam, Van Nostern–Bakeoven complex, Colockum–Cheviot complex, Swalecreek–Rockley complex, and Goldendale silt loam. Average annual GDD accumulations to the east-northeast and northwest of the proposed AVA are lower, and average annual rainfall amounts are higher than within the proposed AVA. In the region to the south of the proposed AVA, the soils contain series and complexes also not present within the proposed AVA, including Ritzville silt loam, Willis silt loam, and Roloff–Rock outcrop complex. Average annual GDD accumulations are higher in the region south of the proposed AVA, as are average annual precipitation amounts. Additionally, in the region to the west of the proposed AVA, the soils contain complexes not present within the proposed AVA, including the Cheviot–Tronsen complex, Goodnoe–Swalecreek–Horseflat complex, and Asotin silt loam. The region to the west of the proposed AVA has lower annual GDD accumulations and higher average annual rainfall amounts. When compared to the proposed The Burn of Columbia Valley AVA, each of the surrounding regions has higher average slope angles except the region to the south, which has lower average slope angles.

Notice of Proposed Rulemaking and Comments Received

TTB published Notice No. 190 in the **Federal Register** on May 27, 2020 (85 FR 31718), proposing to establish The Burn of Columbia Valley AVA. In the notice, TTB summarized the evidence from the petition regarding the name, boundary, and distinguishing features for the proposed AVA. The notice also compared the distinguishing features of the proposed AVA to the surrounding areas. For a detailed description of the evidence relating to the name, boundary, and distinguishing features of the proposed AVA, and for a detailed comparison of the distinguishing features of the proposed AVA to the surrounding areas, see Notice No. 190.

In Notice No. 190, TTB solicited comments on the accuracy of the name, boundary, and other required information submitted in support of the petition. In addition, given the proposed The Burn of Columbia Valley AVA's location within the Columbia Valley AVA, TTB solicited comments on whether the evidence submitted in the petition regarding the distinguishing features of the proposed AVA sufficiently differentiates it from the established AVA. TTB also requested comments on whether the geographic features of the proposed AVA are so distinguishable from the established Columbia Valley AVA that the proposed AVA should no longer be part of the established AVA. The comment period closed July 27, 2020.

In response to Notice No. 190, TTB received 13 comments. The commenters included local wine industry members, local wine consumers, the Goldendale Chamber of Commerce, the Klickitat County Natural Resources & Economic Development Department, and the Columbia–Snake Rivers Irrigators Association. Eleven of the comments support creating the proposed The Burn of Columbia Valley AVA so as to distinguish this region from other areas within the established Columbia Valley AVA. One of the comments (comment 12) did not specifically express support for or opposition to the proposed AVA, but did state that the geography and climate of the proposed The Burn of Columbia Valley AVA are ''significantly different than the existing Columbia Valley AVA.'' Only one comment (comment 13), submitted by an anonymous commenter, opposed establishing the proposed AVA. The commenter stated their belief that the proposed The Burn of Columbia Valley AVA was not sufficiently distinguishable from the nearby established Horse Heaven Hills AVA (27 CFR 9.188) and should be included in that AVA instead of recognized as a new AVA. However, the comment did not include any evidence to support this claim.

TTB Determination

After careful review of the petition and the comments received in response to Notice No. 190, TTB finds that the evidence provided by the petitioner supports the establishment of The Burn of Columbia Valley AVA. Accordingly, under the authority of the FAA Act, section 1111(d) of the Homeland Security Act of 2002, and parts 4 and 9 of the TTB regulations, TTB establishes the ''The Burn of Columbia Valley'' AVA in Klickitat County, Washington, effective 30 days from the publication date of this document.

TTB has also determined that The Burn of Columbia Valley AVA will remain part of the established Columbia Valley AVA. As discussed in Notice No. 190, The Burn of Columbia Valley AVA shares some broad characteristics with the established AVA. For example, the proposed AVA and the Columbia Valley AVA both have similar average annual rainfall amounts. However, the proposed AVA can accumulate maximum GDDs of over 3,000 annually, indicating a climate that is slightly warmer than the rest of the much larger Columbia Valley AVA. Additionally, because the proposed The Burn of Columbia Valley AVA is much smaller than the Columbia Valley AVA, the proposed AVA has a greater uniformity of characteristics within its boundaries.

Boundary Description

See the narrative description of the boundary of The Burn of Columbia Valley AVA in the regulatory text published at the end of this final rule.

Maps

The petitioners provided the required maps, and they are listed below in the regulatory text. The Burn of Columbia Valley AVA boundary may also be viewed 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 or with a brand name that includes 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 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 27 CFR 4.39(i)(2) for details.

With the establishment of The Burn of Columbia Valley AVA, its name, ''The Burn of Columbia 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 regulations clarifies this point. Consequently, wine bottlers using the name ''The Burn of Columbia Valley'' in a brand name, including a trademark, or in another label reference as to the origin of the wine, will have to ensure that the product is eligible to use the AVA name as an appellation of origin.

TTB is not designating ''The Burn,'' standing alone, as a term of viticultural significance because the term ''The

Burn'' is used to refer to multiple areas in the United States. Therefore, wine bottlers using ''The Burn,'' standing alone, in a brand name or in another label reference on their wines will not be affected by the establishment of this AVA.

The establishment of The Burn of Columbia Valley AVA will not affect the existing Columbia Valley AVA, and any bottlers using ''Columbia Valley'' as an appellation of origin or in a brand name for wines made from grapes grown within the Columbia Valley will not be affected by the establishment of this new AVA. The establishment of The Burn of Columbia Valley AVA will allow vintners to use ''The Burn of Columbia Valley'' and ''Columbia Valley'' as appellations of origin for wines made primarily from grapes grown within The Burn of Columbia Valley AVA if the wines meet the eligibility requirements for these appellations.

Regulatory Flexibility Act

TTB certifies that this regulation will not have a significant economic impact on a substantial number of small entities. The regulation imposes no new reporting, recordkeeping, or other administrative requirement. Any benefit derived from the use of an AVA 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 final 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 final rule.

List of Subjects in 27 CFR Part 9

Wine.

The Regulatory Amendment

For the reasons discussed in the preamble, TTB amends 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.

Subpart C—Approved American Viticultural Areas

■ 2. Subpart C is amended by adding § 9.276 to read as follows:

§ 9.276 The Burn of Columbia Valley.

(a) *Name.* The name of the viticultural area described in this section is ''The Burn of Columbia Valley''. For purposes of part 4 of this chapter, ''The Burn of Columbia 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 Burn of Columbia Valley viticultural area are titled:

(1) Sundale NW, OR–WA, 2017;

(2) Goodnoe Hills, WA, 2017;

(3) Dot, WA, 2017; and

(4) Sundale, WA–OR, 2017.

(c) *Boundary.* The Burn of Columbia Valley viticultural area is located in Klickitat County in Washington. The boundary of The Burn of Columbia Valley viticultural area is as described below:

(1) The beginning point is on the Sundale NW map, at the intersection of the Columbia River and the east shore of Paterson Slough. From the beginning point, proceed northerly along the east shore of Paterson Slough to its junction with Rock Creek, and continuing northeasterly along Rock Creek to its intersection with the boundary of the Yakima Nation Trust Land; then

(2) Proceed south, then east, then generally northeasterly along the boundary of the Yakima Nation Trust Land, crossing onto the Goodnoe Hills map, to the intersection of the Trust Land boundary with Kelley Road; then

(3) Proceed north in a straight line to the intersection with the main channel of Chapman Creek; then

(4) Proceed southeasterly (downstream) along Chapman Creek, crossing over the Dot map and onto the Sundale map, to the intersection of Chapman Creek with its southernmost tributary; then

(5) Proceed due east in a straight line to the creek running through Old Lady Canyon; then

(6) Proceed southerly along the creek to its intersection with the northern shoreline of the Columbia River; then

(7) Proceed westerly along the northern shoreline of the Columbia River, returning to the beginning point.

Signed: January 4, 2021.

Mary G. Ryan,

Administrator.

Approved: January 5, 2021.

Timothy E. Skud,

Deputy Assistant Secretary (Tax, Trade, and Tariff Policy).

[FR Doc. 2021–12771 Filed 6–16–21; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 45

[Docket ID: DOD–2021–OS–0047]

RIN 0790–AL22

Medical Malpractice Claims by Members of the Uniformed Services

AGENCY: Department of Defense (DoD) Office of General Counsel, DoD.

ACTION: Interim final rule.

SUMMARY: This interim final rule implements requirements of the National Defense Authorization Act (NDAA) for Fiscal Year 2020 permitting members of the uniformed services or their authorized representatives to file claims for personal injury or death caused by a Department of Defense (DoD) health care providers s in certain military medical treatment facilities. Because Federal courts do not have jurisdiction to consider these claims, DoD is issuing this rule to provide uniform standards and procedures for considering and processing these actions.

DATES: This interim final rule is in effect July 19, 2021. Comments must be received by August 16, 2021.

ADDRESSES: You may submit comments, identified by docket number and/or Regulatory Information Number (RIN) number and title, by any of the following methods:

- *Federal Rulemaking 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 and docket number or RIN 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 at *http://www.regulations.gov* as they are received without change,

including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Melissa D. Walters, (703) 681–6027, *melissa.d.walters.civ@mail.mil.*

SUPPLEMENTARY INFORMATION:

I. Background

Signed into law on December 20, 2019, section 731 of the 2020 NDAA allows members of the uniformed services or their authorized representatives to file claims for personal injury or death caused by a DoD health care provider in certain military medical treatment facilities.

Historically, members of the armed forces have been unable to bring suit against the government under the *Feres* doctrine, named for the plaintiff in *Feres* v. *United States*. Based on this 1950 Supreme Court decision, active duty military personnel may not sue the government for personal injuries suffered incident to service (generally, while on active duty). The 2020 NDAA allows Service members, with certain limitations, to bring administrative claims to seek compensation for personal injury or death resulting from medical malpractice that occurred in certain military medical treatment facilities, in addition to compensation already received under the comprehensive compensation system that currently exists for military members and their families.

A substantiated claim under $100,000 will be paid directly to the member or his/her estate by DoD. The Treasury Department will review and pay claims that the Secretary of Defense values at more than $100,000. Service members must present a claim that is received by DoD within two years after the claim accrues. However, the statute allowed Service members to file claims in 2020 for injuries that occurred in 2017.

II. Legal Authority for This Rule

Based on section 731 of the NDAA, this rule adds to Title 32 of the Code of Federal Regulations a new part 45, Medical Malpractice Claims by Members of the Uniformed Services. Title 10 U.S.C. 2733a(f)(2)(A)(ii) describes the claims process, which includes: The claimant's submission of information to initiate a medical malpractice claim; the claimant's response to an adjudicator's request for new information required to substantiate the claim or to determine damages; an Initial Determination issued by DoD; the opportunity for a claimant to seek reconsideration of damage calculations in the case of clear error; and, in most cases, the opportunity for a claimant to file an administrative appeal.

Claims will be adjudicated based on uniform national standards consistent with generally accepted standards used in a majority of States in adjudicating claims under the Federal Tort Claims Act (FTCA), 28 U.S.C. 2671 *et seq.,* without regard to the place where the Service member received medical care.

III. Summary of Provisions Contained in This Rule

This rule discusses who may file a claim (generally, a member of a uniformed service allegedly harmed incident to service by malpractice); what DoD health care providers may be involved (DoD personnel and personal services contractors acting within the scope of their employment or duties; where the malpractice must have occurred (in a ''military medical treatment facility'' (MTF) (10 U.S.C. 1073d); how to file (a written request mailed to a Military Department-specific address); records DoD will consider (submissions presented by claimant and any available relevant government records and information otherwise available to DoD); who has the burden of proof (claimant must substantiate the claim); how to substantiate a claim; deciding what caused the alleged harm (DoD liability proportionate to harm attributable to DoD health care providers); use of final DoD or VA disability determinations if applicable; calculating economic damages (principally actual and future health care costs, costs associated with long term care and disability, and loss of future earnings); determining non-economic damages (including pain and suffering, up to a capped amount); and initial decision and administrative appeal procedures (a single DoD appeals board decides appeals on the written record as a whole). More detailed information is below.

Section 45.1 Purpose

Section 45.1 explains the purpose of this part. It establishes the administrative process for adjudication of claims under the new 10 U.S.C. 2733a, which was added to 10 U.S.C. by section 731 of the National Defense Authorization Act for Fiscal Year 2020. The current comprehensive compensation system that currently exists for military members and their families, when members are injured or die incident to service, applies to all causes of death or disability, whether due to combat injuries, training mishaps, motor vehicle accidents, naturally occurring illnesses, with limited exceptions (*e.g.,* when the member is absent without leave or the injury is due to the member's intentional misconduct or willful negligence). The new law provides for the possibility of additional compensation beyond that provided by this comprehensive compensation system for personal injury or death of a military member caused by medical malpractice by a DoD health care provider in certain circumstances.

Section 45.1 also notes that the new medical malpractice claims process is separate from the Military Health System Healthcare Resolutions Program.[1] This existing program is an independent, neutral, and confidential system that promotes full disclosure of factual clinical information involving adverse events and outcomes, and mediation of clinical conflicts. The program is part of the Military Health System's commitment to transparency, which also includes a patient's right to be heard as part of any quality assurance review. To the extent a military member (or any other health care beneficiary) seeks to obtain more information about an adverse clinical event, the Healthcare Resolutions Program continues to be a valuable resource independent of any legal process or claims system. However, the Healthcare Resolutions Program is not involved with claims or legal matters. Thus, when a patient files a malpractice claim, under § 45.1 Healthcare Resolutions Specialists disengage from further patient communications related to the events associated with the claim.

Section 45.2 Claims Payable and Not Payable in General

Section 45.2 provides some of the terms rendering claims payable and not payable. This section also covers the time for filing claims, generally within two years after the claim accrues. For claims filed in calendar year 2020, the time for filing was expanded to three years. Because 10 U.S.C. 2733a(b)(4) prescribes the time period for filing claims, state statutes of limitation or repose are inapplicable. Consistent with 10 U.S.C. 2733a(g), there is a limitation on the amount of attorney's fees or expenses. The adjudication of claims under this authority is not an adversarial proceeding, there is no prevailing party to be awarded costs, and there is no judicial review. The settlement and adjudication of medical malpractice claims of members of the uniformed services is final and conclusive per 10 U.S.C. 2735.

[1] *https://health.mil/Reference-Center/Policies/2019/06/18/Healthcare-Resolutions-Disclosure-Clinical-Conflict-Management-and-HCP.*

A claim under this regulation is payable only if it may not be settled or paid under any other law, including the FTCA per Title 10 U.S.C. 2733a(b)(5). Claims are adjudicated based on generally accepted standards used in a majority of States in adjudicating claims under the FTCA without regard to the place where the service member received medical care per Title 10 U.S.C. 2733a(f)(2)(B). In adjudicating claims, DoD will make every effort to determine the applicable law adopted by the majority of States (at least 26 States).

Certain exclusions that are part of FTCA law apply to claims under this new authority as well. These exclusions include the discretionary function exception, which generally bars any claim challenging a discretionary agency policy. Another FTCA exclusion that is applicable to claims under this part is the combatant activities exception, although only in extremely unusual circumstances such as an attack on a military hospital. It should be noted, however, that the FTCA exception regarding any claim arising in a foreign country is not applicable to claims under this part. Title 10 U.S.C. 2733a(f)(2)(B) refers to such claims as covered by the new authority.

Section 45.3 Authorized Claimants

Section 45.3 discusses who may file a medical malpractice claim. As provided in the statute, the claim must be filed by the member of the uniformed services who is the subject of the medical malpractice claim, or by an authorized representative on behalf of a member who is deceased or otherwise unable to file the claim due to incapacitation per Title 10 U.S.C. 2733a(b)(1). A claim may be filed by or on behalf of a reserve component member if the claim is in connection with personal injury or death occurring while the member was in a Federal duty status. 10 U.S.C. 2733a(i)(3). The statute only authorizes claims by members of the uniformed services. Thus, the regulation does not permit derivative claims or other claims from third parties alleging a separate injury as a result of harm to a member of the uniformed services. Additionally, medical malpractice claims from members must be for an injury incident to service per 10 U.S.C. 2733a(a). For members on active duty, almost any injury or illness arising out of medical care received at a MTF by a DoD health care provider is considered incident to service. Medical care provided to a service member based on military status is incident to service.

Section 45.4 Filing a Claim

Rules for filing a claim are addressed in § 45.4. A member of a uniformed service or, when applicable, an authorized representative, may file a claim. Any written claim will suffice provided that it includes the following: (a) The factual basis for the claim, which identifies the conduct allegedly constituting malpractice (*e.g.,* theory of liability and/or breach of the applicable standard of care); (b) a demand for a specified dollar amount; (c) signed by the claimant or claimant's duly authorized agent or legal representative; (d) if the claim is filed by an attorney, an affidavit from the claimant affirming the attorney's authority to file the claim on behalf of the claimant; (e) if the claim is filed by an authorized representative, an affidavit from the representative affirming his/her authority to file on behalf of the claimant; and (f) unless the alleged medical malpractice is within the general knowledge and experience of ordinary laypersons, an affidavit from the claimant affirming that the claimant consulted with a health care professional who opined that a DoD health care provider breached the standard of care that caused the alleged harm. Alternatively, if the claimant is represented by an attorney, unless the alleged medical malpractice is within the general knowledge and experience of ordinary laypersons, the claim must include an affidavit from the attorney affirming that the attorney consulted with a health care professional who opined that a DoD healthcare provider breached the standard of care that caused the alleged harm. This requirement for an affidavit at the time of filing the claim is consistent with the practice in a majority of States to require an expert report, expert affidavit, certification or affidavit of merit, or a similar requirement.

While DoD is not requiring an expert opinion at the time of filing a claim, claimants may submit whatever information and documentation they believe necessary to support their claim, as claimants have the burden to substantiate their claims. As part of the investigation and evaluation of a claim, DoD will access pertinent DoD or other available government information systems and records regarding the member in order to consider fully all facts relevant to the claim. This may include information in personnel records, medical records, the Defense Eligibility and Enrollment System (DEERS), reports of investigation, medical quality assurance records, and other information. Upon DoD's request, a claimant must identify any pertinent health care providers outside of DoD and provide a copy of his or her medical records from each of the identified health care providers, including a statement that the records are complete. A claimant must provide a medical release or medical releases upon DoD's request, enabling DoD to obtain medical records from the identified health care providers.

DoD may require that the claimant provide additional information DoD believes is necessary for adjudication of the claim, including the submission of an expert opinion at the claimant's expense. If DoD intends to deny a claim in which an expert opinion has not been submitted, prior to denying the claim, DoD will notify the claimant and provide the opportunity for submission of an expert opinion at the claimant's expense. DoD may determine an expert opinion is not required when allegations of medical malpractice are within the general knowledge and experience of ordinary laypersons, such as when a foreign object is improperly left in the body or an operation occurred on the wrong body part.

There is no discovery process for adjudication of claims. However, claimants may obtain copies of records in DoD's possession that are part of their personnel and medical records in accordance with DoD Instruction 5400.11, ''DoD Privacy and Civil Liberties Programs''; [2] and DoD Instruction 6025.18, ''Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule Compliance in DoD Health Care Programs.'' [3] Claimants are not entitled to attorney work product, attorney client privileged communications, material that are medical quality assurance records protected under 10 U.S.C. 1102, predecisional material, or other privileged information.

Section 45.5 Elements of a Payable Claim; Facilities and Providers

Section 45.5 covers one of the statutory elements of payable claims, stating that the health care involved occurred in a covered military medical treatment facility by a DoD health care provider acting within the scope of employment. As stated in the statute, the claimed act or omission constituting medical malpractice must have occurred in a DoD medical center, inpatient hospital, or ambulatory care center. A

[2] Available at *https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/540011p.pdf?ver=gM7QU0FeRs8wMwzFXS8uSA%3d%3d.*

[3] Available at *https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/602518p.pdf?ver=2019-03-13-125803-017.*

claim may not be based on health care services provided by DoD health care providers in any other locations, such as in the field, battalion aid stations, ships, planes, deployed settings, or any other place that is not a covered MTF. With respect to covered DoD health care providers, they include members of the uniformed services, DoD civilian employees, and personal services contractors of the Department authorized by DoD to render health care services. A non-personal services contractor or a volunteer working in an MTF is not a DoD health care provider for purposes of a payable claim. Claims filed in court against non-personal services contractors and volunteers would be analyzed under the *Feres* doctrine. The DoD health care provider must be acting within the scope of employment, meaning that the provider was acting in furtherance of his or her duties in the MTF. For personal services contractors, ''scope of employment'' means the contractor was acting within the scope of his or her duties.

Section 45.6 Element of Payable Claim: Negligent or Wrongful Act or Omission

Section 45.6 establishes rules for determining if a provider's act or omission was negligent or wrongful. In general, a claimant needs to prove by a preponderance of evidence that a DoD health care provider in a covered MTF acting within the scope of employment had a professional duty to the patient involved and by act or omission breached that duty in a manner that proximately caused the harm. The provider must exercise the same degree of skill, care, and knowledge ordinarily expected of providers in the same field or specialty in a comparable clinical setting. The standard of care is determined based on generally recognized national standards, not on the standards of a particular region, State or locality. A claimant may present evidence to support what the claimant believes is the standard of care. A claimant may present evidence to support the failure of the DoD health care provider to meet the standard of care based on the medical records of the patient and other documentary evidence of the acts or omissions of the health care provider.

In addition to the information submitted by the claimant, DoD may consider all relevant information in DoD records and information systems or otherwise available to DoD, to include information prepared by or on behalf of DoD in connection with adjudication of the claim. DoD will consider medical quality assurance records relevant to the health care provided to the patient. As required by 10 U.S.C. 1102, DoD medical quality assurance records are confidential. While such records may be used by DoD, any information contained in or derived from such records may not be disclosed to the claimant.

Section 45.7 Element of Payable Claim: Proximate Cause

Rules on determining whether the alleged malpractice was the proximate cause of the harm suffered by the member are the subject of § 45.7. In general, a claimant must prove by a preponderance of evidence that a negligent or wrongful act or omission by a DoD health care provider was the proximate cause of the harm suffered by the member. DoD is liable for only the portion of harm that is attributable to the medical malpractice of a DoD health care provider per 10 U.S.C. 2733a(c)(1). To the extent other causes contributed to the personal injury or death of the member, whether pre-existing, concurrent, or subsequent, the potential amount of compensation under this regulation will be reduced by that proportion of the alternative cause(s); however, if the claimant's own negligence constituted more than 50% of the fault, the claim is not payable.

Section 45.8 Calculation of Damages: Disability Rating

Section 45.8 provides rules related to disability ratings and adjudication of these ratings under disability evaluation systems. DoD will use the disability rating established in the DoD Disability Evaluation System under DoD Instruction 1332.18 [4] or otherwise established by the Department of Veterans Affairs (VA) to assess the extent of the harm alleged to have been caused by medical malpractice. A VASRD-based disability percentage represents the Government's estimate of the lost earning capacity attributable to an illness or injury incurred during military service.

Section 45.9 Calculation of Damages: Economic Damages

Calculation of economic damages, which are one component of a potential damages award, is the subject of § 45.9. Elements of economic damages in personal injury claims are past expenses, including medical, hospital and related expenses actually incurred, and future medical expenses. Also covered are lost earnings, loss of earning capacity, and compensation paid to a person for essential household services and activities of daily living that the member can no longer provide for himself or herself.

Section 45.10 Calculation of Damages: Non-Economic Damages

Non-economic damages are also covered as outlined in § 45.10. Elements of non-economic damages in medical malpractice cases consist of past and future conscious pain and suffering, physical disfigurement, and loss of enjoyment of life. Consistent with the rule of law in a majority of States, total non-economic damages may not exceed a cap amount. Based on the current average cap amount in those States, the total cap amount for all non-economic damages arising from the malpractice is set at $500,000.

Section 45.11 Calculation of Damages: Offsets for DoD and VA Compensation

Section 45.11 provides that in the calculation of damages there is a deduction for compensation paid or expected to be paid by DoD or VA to the service member for the same harm that is caused by the medical malpractice. Tort damage awards against the U.S. are generally offset by other compensation paid by the U.S. for the same harm that is the subject of a malpractice claim so that the U.S. does not pay more than once for the injury.

This section lists categories of compensation that are included as offsets to potential malpractice damages awards when that compensation relates to harm caused by the act or omission involved, including: Pay and allowances while a member remains on active duty or in an active status; disability retired pay; disability severance pay; incapacitation pay; involuntary and voluntary separation pays and incentives; death gratuity; housing allowance continuation; Survivor Benefit Plan; VA disability compensation; VA Dependency and Indemnity Compensation; Special Survivor Indemnity Allowance; Special Compensation for Assistance with Activities of Daily Living; Program of Comprehensive Assistance for Family Caregivers; and the Fry Scholarship. Also included is an offset of the value of TRICARE coverage, including TRICARE-for-Life for a disability retiree, family, or survivors. Future TRICARE coverage is a major part of the Government's compensation package for a disability retiree or survivor. Potential malpractice awards are not offset by the present value of some payments and benefits for which Service members have made payments or contributions, which would be difficult to quantify,

[4] Available at *https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/133218p.pdf?ver=2018-05-24-133105-050.*

including Servicemembers Group Life Insurance; Traumatic Servicemembers Group Life Insurance; Social Security disability benefits; Social Security survivor benefits; prior Government contributions to a Thrift Savings Plan that are inherited by a beneficiary; and commissary, exchange, and morale, welfare, and recreation facility access; the value of legal assistance and other services provided by DoD. Medical care provided while in active service or in an active status prior to death, retirement, or separation is also not offset.

To illustrate what benefits are available under the existing comprehensive compensation system, both those that are offset and those that are not, and the value of these benefits, tables below in the section titled, ''Impact to the Government,'' provide notional examples of benefits available under the existing comprehensive compensation system during Fiscal Year 2020.

DoD will estimate the present value of future payments and benefits. Many of such payments and benefits in cases of death and disability are lifetime benefits for members or survivors. With respect to future compensation and benefits that would change if a surviving spouse remarries, DoD will not assume remarriage.

Section 45.12 Initial and Final Determinations

Section 45.12 provides rules for provision to claimants of an Initial Determination regarding the claim. The Initial Determination may take the form of a grant of a claim and an offer of settlement or denial of the claim.

If a claim does not contain the information required by § 45.4(b), DoD will issue an Initial Determination stating that DoD will issue a Final Determination denying the claim unless the deficiency is cured. DoD will provide the claimant 30 calendar days following receipt of the Initial Determination to cure the deficiency, unless an extension of time is granted for good cause. If the claimant does not timely cure the deficiency, DoD will issue a Final Determination denying the claim for failure to cure the deficiency. A Final Determination issued under § 45.12(a) may not be appealed.

If a claim does not, based upon the information provided, state a claim cognizable under 10 U.S.C. 2733a or this interim final rule, DoD will issue an Initial Determination denying the claim. An Initial Determination on these grounds may be appealed under the procedures in § 45.13.

If the claimant initially does not submit an expert report in support of his or her claim, where applicable, and DoD intends to deny the claim, DoD will issue an Initial Determination stating, without more, that DoD will issue a Final Determination denying the claim in the absence of an expert report. DoD will provide the claimant 90 calendar days following receipt of the Initial Determination to submit an expert report, unless an extension of time is granted for good cause. If the claimant does not timely submit an expert report, DoD will issue a Final Determination denying the claim, which may not be appealed, and will provide a brief explanation of the basis for the denial of the claim to the extent practicable.

Except as provided above, DoD will endeavor to provide a brief explanation of the basis for an Initial Determination to the extent practicable. However, as required by 10 U.S.C. 1102, medical quality assurance records may not be disclosed to anyone outside DoD, to include the claimant, other Federal agencies, or the judiciary. This prohibition applies to any information derived from a peer review obtained under DoD's Clinical Quality Management (CQM) Program to assess the quality of medical care provided by a DoD health care provider. DoD has a very extensive CQM Program (under DoD Instruction 6025.13 [5] and Defense Health Agency Procedural Manual 6025.13) [6] to assess the quality of health care services, identify areas where improvements can be made, and ensure appropriate accountability. The CQM Program includes a peer review of every potentially compensable event. DoD considers records of these reviews in determining whether there was a negligent or wrongful act or omission by a DoD health care provider in relation to the claim but may not lawfully disclose this information. Therefore, while DoD will attempt to explain the basis for the Initial Determination, DoD cannot disclose any information covered by 10 U.S.C. 1102.

The Initial Determination will include information on the claimant's right to file an administrative appeal. The claimant may request reconsideration of the damages contained in an Initial Determination if, within the time otherwise allowed to file an administrative appeal, the claimant identifies an alleged clear error in the damages calculation. DoD will review the alleged clear error and will issue an Initial Determination on Reconsideration either granting or denying reconsideration of the Initial Determination and adjusting the damages calculation, if appropriate. The Initial Determination on Reconsideration will include information on the claimant's right to appeal.

Section 45.13 Appeals

The issue of appeals from Initial Determinations is addressed in § 45.13. In any case, other than a claim that is denied for failure to provide an expert report, in which the claimant disagrees with the Initial Determination, the claimant has a right to file an administrative appeal. A claimant should explain why he or she disagrees with the Initial Determination but may not submit additional information in support of the claim unless requested to do so by DoD.

An appeal must be filed within 60 calendar days of the date of the Initial Determination, unless an extension of time is granted for good cause. If no timely appeal is filed, DoD will issue a Final Determination.

Under the new rule, appeals will be decided by an Appeals Board administratively supported by the Defense Health Agency. The Appeals Board will consist of not fewer than three and no more than five DoD officials designated by the Defense Health Agency from the Defense Health Agency and/or the Military Departments who are experienced in medical malpractice claims adjudication. Appeals Board members must not have had any previous role in the claims adjudication under appeal. Appeals are decided on the written record and decisions will be approved by a majority of the members. There is no adversarial proceeding and no hearing. The Appeals Board may obtain or request information or assessments from appropriate sources, including from the claimant, to assist in deciding appeals. The claimant has the burden of proof by a preponderance of evidence that the claim is substantiated in the written record considered as a whole. Every claimant will be provided a written Final Determination on the claimant's appeal, which may adopt by reference the Initial Determination or revise the Initial Determination, as appropriate. If the Final Determination revises the Initial Determination, DoD will provide a brief explanation of the basis for the revisions to the extent practicable. Appeals Board decisions are final and conclusive. The Appeals Board may reverse the Initial Determination to

[5] DoDI 6025.13, ''Medical Quality Assurance (MQA) and Clinical Quality Management in the Military Health System (MHS),'' February 17, 2011; Incorporating Change 2 on April 1, 2020 (*whs.mil*).

[6] *https://health.mil/Reference-Center/Policies?query=6025.13&isDateRange=0&broadVector=000&newsVector=0000000&refVector=0000000001000000&refSrc=1.*

grant or deny a claim and may adjust the settlement amount contained in the Initial Determination either upwards or downwards, as appropriate.

Section 45.14 Final and Conclusive Resolution

Section 45.14 states that, as provided in the statute, the adjudication and settlement of a claim is final and conclusive. Unlike the FTCA, the Military Claims Act, 10 U.S.C. chapter 163, which provides the authority for this regulation, does not give Federal courts jurisdiction over claims. Thus, the administrative adjudication process for all claims under the Military Claims Act, including medical malpractice claims under this part, is final and not subject to judicial review in any court. No claim may be paid unless the amount tendered is accepted by the claimant in full satisfaction. Settlement agreements will incorporate the statutory requirements regarding limitations on attorneys' fees, as well as a bar to any other claim against the United States or DoD health care providers arising from the same set of facts.

Section 45.15 Other Claims Procedures and Administrative Matters

Finally, § 45.15 sets out other claims procedures and administrative matters.

If the claimant is represented by counsel, all communications will be through the claimant's counsel.

Laws applicable to false claims and false statements to the Government are applicable to claims and information relating to claims under this new authority.

This section also notes the requirement of 10 U.S.C. 2733a(e) that not later than 30 calendar days after a determination of medical malpractice or the payment of a claim, a report is sent to the Director, Defense Health Agency to be used for all necessary and appropriate purposes, including medical quality assurance. This means that DoD Final Determinations made under this new claims system—even if, due to offsets for compensation under the comprehensive system discussed above, no money is paid—will be reviewed under the Military Health System Clinical Quality Management Program, in accordance with DoD Instruction 6025.13 [7] and Defense Health Agency Procedural Manual 6025.13.[8] That program features comprehensive activities to monitor the quality of health care in MTFs, identify opportunities for improvement, and maintain appropriate accountability for health care providers. That system includes procedures to grant and take specified adverse actions on clinical privileges and report certain events to the National Practitioner Data Bank (NPDB) maintained by the Department of Health and Human Services as a data repository available to health care systems throughout the United States.[9] NPDB reporting includes cases where DoD compensation is paid through the Disability Evaluation System or survivor benefits attributable to medical malpractice by a DoD health care provider and now, under this part, paid malpractice claims. Reports to the NPDB are accompanied by reports to State licensing boards and certifying agencies of the health care providers involved. Therefore, in addition to providing an additional potential compensation remedy, 10 U.S.C. 2733a reinforces DoD Clinical Quality Management Program procedures for appropriate accountability of DoD health care providers.

IV. What To Expect in the Claims Process

a. Who may File a Claim. Service members or former/retired Service members (''you'') may file a claim. Your authorized representative may file a claim on your behalf if you are deceased or incapacitated. DoD will acknowledge receipt of your claim via mail and/or email using the contact information you provided in your claim.

b. What to Include with a Claim. Your claim must provide, in writing, the reason why you believe a DoD health care provider committed malpractice and the amount of money you believe you should receive. No specific form or format is required.

If you have an attorney, you need to include in your claim filing an affidavit confirming that you have authorized the attorney to represent you.

You usually will need to provide an affidavit with your claim filing that you consulted with a health care professional who opined that a DoD health care provider breached the medical standard of care and caused harm to you. You do not need to provide this affidavit if the malpractice is obvious, such as an operation on the wrong body part.

Because all claims differ, nothing else is required at the time you file your claim. DoD may find during the review of your claim that additional information is needed. DoD will ask you for this information at that time. You may, but are not required to, submit any other information that you believe supports your claim at the time you file it.

c. Where to File a Claim. You should submit the claim to your Military Department.

Army: Claims should be presented to the nearest Office of the Staff Judge Advocate, to the Center Judge Advocate of the Medical Center in question, or with US Army Claims Service, 4411 Llewellyn Avenue, Fort Meade, Maryland 20755, ATTN: Tort Claims Division.

Navy: Information, directions and forms for filing a claim may be found at *https://www.jag.navy.mil/.* Claims should be mailed to the Office of the Judge Advocate General, Tort Claims Unit, 9620 Maryland Avenue, Suite 205, Norfolk, Virginia 23511–2949.

Air Force: Claims should be presented either at the Office of the Staff Judge Advocate at the nearest Air Force Base, or sent by mail to AFLOA/JACC, 1500 W Perimeter Road, Suite 1700, Joint Base Andrews, MD 20762. POC: Medical Law Branch, AFLOA/JACC 240–612–4620 or DSN 612–4620.

d. Time for Filing a Claim. Generally, you must file your claim by the later of (1) two years from the date of the injury or death; or (2) the date you knew, or with the exercise of reasonable diligence should have known, of the injury or death and that the possible cause of the injury or death was malpractice. A special rule existed in 2020 that allowed claims from 2017 to be filed in 2020, but that rule has expired.

e. Initial Determination on Your Claim. Once you have filed your claim, DoD will locate medical records held by DoD and VA and review your claim to determine whether malpractice occurred.

DoD may ask you for additional information about your medical care as part of this review. If DoD concludes that medical malpractice occurred, DoD may ask you for information about the harm to you as a result of malpractice to determine the amount of money you will be offered as a settlement. This amount of money is also called ''damages.''

If DoD intends to deny your claim and you have not yet submitted an expert report in support of your claim, DoD will provide you with an opportunity to submit one before denying your claim. You usually will have 90 days to provide an expert report.

Once DoD has completed its review of your claim, you will be issued an Initial Determination. This Initial

[7] Available at *https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/602513p.pdf?ver=2019-03-11-081734-313.*

[8] Available at *https://health.mil/About-MHS/OASDHA/Defense-Health-Agency/Resources-and-Management/DHA-Publications.*

[9] Available at *https://www.npdb.hrsa.gov/.*

Determination will either state that your claim is granted and offer you an amount of money in settlement of your claim or will state that your claim is denied.

A settlement does not entitle you to any new benefits from DoD or the VA. A settlement will not cause you to lose any DoD or VA benefits, whether at the time of the settlement or in the future.

f. Reconsideration. If DoD has made a clear error in the calculation of the amount of money you are offered to settle your claim, you may request reconsideration. A clear error is an obvious or typographical error, such as a reference to $10 when it is clear $100 was intended. The reconsideration process was intended to fix minor issues without requiring you to file an appeal. You must file your request for reconsideration within 60 days of receipt of an Initial Determination. DoD will assume that you received the Initial Determination within five calendar days after the date the Initial Determination was mailed or emailed.

g. Appeals. If you disagree with an Initial Determination, you generally may file an administrative appeal. Your appeal should explain why you disagree with the Initial Determination. You must file your appeal within 60 days of receipt of an Initial Determination. DoD will assume that you received the Initial Determination within five calendar days after the date the Initial Determination was mailed or emailed.

You may not appeal a Final Determination issued because of deficiencies in your claim filing such as a missing affidavit or because DoD has determined you need to submit an expert report. You will have been given an opportunity to fix deficiencies or submit an expert report before the Final Determination is issued.

Your appeal will be decided by an Appeals Board of three to five DoD officials who have experience with medical malpractice claims and have no prior connection to your claim.

You may not submit additional information in support of your claim on appeal. DoD will ask you for additional information if it is needed.

The Appeals Board will issue a Final Determination on your claim. The Appeals Board may reverse the Initial Determination to grant or deny a claim. The Appeals Board may adjust the damages amount in the Initial Determination either upwards or downwards. A Final Determination is not subject to review in any court.

If you do not file an appeal, DoD will issue a Final Determination.

h. Settlement Agreement. You will be paid the damages amount offered in a Final Determination after you sign a settlement agreement provided to you by DoD.

i. Claims Process is Final. This claims process is the only process for Service members to bring medical malpractice claims related to their service. You may not challenge a Final Determination or the amount of any damages calculation contained in a Final Determination in court.

j. Attorneys. You may have an attorney assist you with your claim. If you have an attorney, DoD will communicate with your attorney instead of with you regarding your claim. Your attorney may not charge you attorney fees of more than 20 percent of the amount paid to you under this process.

V. Regulatory Analysis

a. Executive Order 12866, ''Regulatory Planning and Review'' and Executive Order 13563, ''Improving Regulation and Regulatory Review''

Executive Orders 13556 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distribution of impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. Accordingly, this interim final rule has been reviewed by the Office of Management and Budget under the requirements of these Executive Orders. It has been determined to be a significant regulatory action, although not economically significant. Accordingly, this regulatory impact analysis presents the costs and benefits of the rulemaking.

b. Summary

This interim final rule implements requirements of the National Defense Authorization Act (NDAA) for Fiscal Year 2020 permitting members of the uniformed services or their authorized representatives to file claims for personal injury or death caused by a Department of Defense (DoD) health care providers in certain military medical treatment facilities. Because Federal courts do not have jurisdiction to consider these claims, DoD is issuing this rule to provide uniform standards and procedures for considering and processing these actions administratively.

c. Affected Population [10]

At the end of Fiscal Year 2019, there were approximately 1,400,000 Active Duty, 390,000 Reserve and National Guard, and 250,000 other uniformed Service members eligible for DoD healthcare benefits.[11] or around 19% of the total eligible beneficiary population. These uniformed Service members will be able to file claims with DoD alleging malpractice. There were approximately 8,140,000 other eligible beneficiaries to include retirees, retiree family members, and family members of Active Duty Service members. These other eligible beneficiaries currently may file claims with DoD alleging malpractice.

d. Costs

As a result of the rule, individuals who believe they were subjected to malpractice may consider filing a claim. In determining whether to file a claim, individuals may consult with medical professionals and attorneys and we assume that most claimants will have attorneys. We estimate that this will require 5 hours for individuals to locate an attorney, view and download pertinent medical records, and discuss the case with an attorney (or a medical professional for claimants without attorneys). At a mean hourly rate of $27.07 based on data from the Bureau of Labor Statistics (BLS),[12] the cost of this activity is $135.

The cost for a consultation with a medical professional, whether directly by the claimant or through an attorney varies by the type of professional. Based upon information available from consultations and reports obtained in malpractice claims against the government and estimates of time spent by DoD in similar activity when handling those claims, we estimate a typical review of records would take about 3 to 5 hours (and include reviewing journals in support of the professional's opinion), with an additional 2 to 4 hours to write a report (if such a report is submitted with a

[10] Data are from the ''Evaluation of the TRICARE Program: Fiscal Year 2020 Report to Congress—Access, Cost and Quality Data through Fiscal Year 2019.'' which can be found at *https://health.mil/Reference-Center/Reports/2020/06/29/Evaluation-of-the-TRICARE-Program-Fiscal-Year-2020-Report-to-Congress.*

[11] Active Duty include members of the Army, Navy, Air Force, Marines. The other uniformed services are the Coast Guard, Public Health Service, and the National Oceanic and Atmospheric Administration. The Space Force was established December 20, 2019, and was not included in this Fiscal Year 2019 data.

[12] According to the Bureau of Labor Statistics, the median weekly earnings for full-time wage and salary workers in 2020 was $984.00, for an hourly rate based on a 40-hour workweek of $24.60. See *https://www/bls.gov/cps/cpsaat39.htm.*

claim, which is not required). The Department will assume for purposes of this analysis that the same type of professional would be consulted as the professional against whom the malpractice is alleged (*e.g.,* a doctor providing an opinion about the standard of care if a doctor is alleged to have committed malpractice). Most medical malpractice claims are brought on a contingent fee basis [13] so there is no initial cost to the claimant. Based on similar claim analysis activity in handing malpractice claims, we estimate an attorney might spend 17–26 hours analyzing a claim before filing. We use BLS data [14] to value time spent by these individuals, and we adjust mean wage rates upward by 100 percent to account for overhead and benefits. This implies hourly rates of $206.12 for physicians, $76.94 for nurses, and $111.62 for physician assistants, and $143.18 for lawyers. As a result, the estimated cost for medical review would be approximately $231 to $1,855, and the estimated cost for attorney time would be approximately $2,434 to $3,723.

The cost to a Service member or an authorized representative for the filing itself will vary based on the amount of information the Service member includes with his or her filing. A basic letter stating the factual basis for the claim and including a demand for a specified dollar amount would cost the claimant postage ($0.55 per claim, or $27.50 for an estimated 50 claims) and possibly minimal photocopying. Claimants will likely choose to use certified mail, requiring additional postage of $3.35 per claim (or $167.50 for an estimated 50 claims per year). Two affidavits are likely required, one containing a statement from the claimant indicating he or she consulted with a health care professional and obtained an opinion from that health care professional that the medical standard of care was breached and one affirming that a representative is authorized to represent the claimant. Those entitled to legal assistance under 10 U.S.C. 1044 (such as Active Duty Service members, retired Service members, and survivors) would be able to obtain notarial services at no cost. Most likely, those filing claims would fall into one of these categories and so could obtain notarial services at no cost. However, this rule results in societal costs associated with these notarial services. We estimate that notarial services will require the equivalent of 20 minutes of paralegal time. Using BLS data,[15] and adjusting upward by 100 percent to account for overhead and benefits to arrive at an hourly rate of $54.44 implies $18.14 in costs per claim. Finally, although not required, a claimant could submit any other information he or she chooses, which would result in a variable cost. DoD assumes that pertinent medical records outside its system would be fairly recent could be accessed via web portals, resulting in a cost to the claimant of only the cost of printing and postage. If the claimant elects to submit receipts, the claimant would need to pay the cost of printing or photocopying, as well as postage. DoD requests public comment on costs faced by claimants.

In 2020, DoD received 149 malpractice claims filed by Active Duty beneficiaries under the process in this Part and 173 malpractice claims filed by other beneficiaries under either the FTCA or MCA. Section 2733a(b)(4) requires claims to be presented to DoD within two years after the claim accrues, although section 731 of the Fiscal Year 2020 NDAA allowed claims accruing in 2017 to be filed in 2020. In future years, when three years' worth of claim filings are not compressed in the same year and the requirement for consultation with a health care professional in certain circumstances in advance of filing takes effect, DoD would anticipate around 50 claims per year.[16] Based on information related to malpractice claims not filed after consideration, we estimate that 90% of the claims considered by individuals and their attorneys will not be filed.[17] As a result, we estimate that 500 claims will be considered, and that 50 claims will be filed by Service members per year.

The categories of costs for considered claims are described above. In sum, we estimate costs of $2,822 to $5,735 per claim. This implies total costs of $1,401,102 to $2,857,602 each year for considered claims.

Next, we estimate costs associated with processing claims. Many steps in processing a claim will be the same for DoD whether or not the claim has merit. Based on activity in non-medical malpractice claims, we anticipate 3 hours of paralegal time for activities such as logging in claims, sending acknowledgment letters, mailing certified letters containing the outcome of a claim, drafting vouchers for payment, and filing/data entry. Assuming a GS–11 paralegal at the step 5 salary rate of $81,634 based on the 2020 Washington, DC, locality pay table (an hourly rate of $39.12) and the total value of labor including wages, benefits, and overhead being equal to 200 percent of the wage rate, the cost for this paralegal activity per claim is $234.72. We estimate that the approximately same amount of time that a claimant's attorney would spend analyzing a claim (17–26 hours of attorney time) would be spent by DoD attorneys to analyze the claim, conduct legal research, consult with experts, and draft a determination. Assuming a GS 13/14 at an average GS 13/14 salary of $127,788 based on the 2020 Washington, DC, locality pay table (an hourly rate of $61.23) and the total value of labor including wages, benefits, and overhead being equal to 200 percent of the wage rate, this attorney activity would cost $2,081 to $3,184 per claim.

Of these 50 claims, for purposes of this analysis, based on historical malpractice claims data involving non-Service members, we assume 27% of claimants will have claims for which DoD determines malpractice occurred, or 14 claims. For these claims, based on time spent by DoD on the damages portion of current malpractice claims against the government, DoD estimates claimants' attorneys and DoD attorneys will spend 6–8 hours respectively on matters pertaining to damages. This results in a cost per claim of $859 to $1,145 for claimants' attorneys and $748 to $997 for DoD attorneys.

Of submitted claims, DoD estimates that claimants will appeal all claims that do not result in a payment of damages, resulting in 36 appeals annually. Note that this is described in more detail in the transfers section. We estimate it will take around the same amount of time spent on initial determination activities for appeal activities, or 17–26 hours per claim for both claimants' attorneys (at a cost of $2,434 to $3,723) and DoD attorneys (at a cost of $2,081 to $3,184) and 3 hours per claim by DoD paralegals (at a cost of $235). This implies total annual costs of $171,000 to $257,112 for appeals.

[13] Joanna Shepherd, Uncovering the Silent Victims of the American Medical Liability System, 67 Vanderbilt Law Review 151, 162 (2019) Available at: *https://scholarship.law.vanderbilt.edu/vlr/vol67/iss1/2.*

[14] See *https://www.bls.gov/oes/2020/may/oes_nat.htm.* Note that we use wages for family medical physicians as a proxy for physicians.

[15] See *https://www.bls.gov/oes/2020/may/oes_nat.htm.*

[16] These are the total number of claims, prior to any analysis of the merits of the claims, or analysis of whether the claims were properly filed (*e.g.,* whether the claims were timely). The Congressional Budget Office (CBO), when scoring section 731, assumed an additional 50 claims per year would be paid at cost of $600,000 per claim, for a total of $30,000,000 per year or $300,000,000 over 10 years. These estimates did not appear to take into account offsets so the number of paid claims will be less.

[17] Joanna Shepherd, Uncovering the Silent Victims of the American Medical Liability System, 67 Vanderbilt Law Review 151 (2019) Available at: *https://scholarship.law.vanderbilt.edu/vlr/vol67/iss1/2.*

As a result, we estimate total annual processing costs for these 50 claims to be $309,284 to $458,036.

In summary, total estimated annual costs of this interim final rule are $1,710,386 to $3,315,638.

e. Transfers

Regardless of the number of claims in which malpractice occurred, the only claims in which damages will be awarded are those which exceed the offsets for any payment to be made.[18] Subject to some exceptions such as insurance benefits for which Service members have paid premiums, benefits received through the DoD and VA comprehensive compensation system applicable to all injuries and deaths will be applied as an offset in calculating malpractice damages to prevent a double recovery. Because of these offsets, regardless of the number of claims filed, the only claims pertinent for purposes of payments made by the government are those that would exceed applicable offsets.

We estimate 7 claims per year will result in additional payments made to individuals, which is the number of claims anticipated to involve additional payments after offsets are applied. To help explain how we reached this estimate, we prepared the following tables as notional examples to illustrate what benefits are available under the existing comprehensive compensation system, both those that are offset and those that are not, and the value of these benefits in Fiscal Year 2020. In addition to the benefits in the above tables, disability retirees and survivors receive healthcare for life through TRICARE. In Fiscal Year 2020, based on information from the Office of the Assistant Secretary of Defense for Health Affairs, the average value of the TRICARE benefit for an under-65 retiree family of three was $14,600 per year. Benefits provided through the Social Security Administration, such as Social Security disability benefits and Social Security survivor benefits, are also in addition to the above tables. Calculations in the tables were provided by the Office of Military Compensation Policy, within the Office of the Under Secretary of Defense for Personnel and Readiness.

BILLING CODE 5001–06–P

[18] The Congressional Budget Office (CBO), when scoring section 731, assumed an additional 50 claims per year would be paid at cost of $600,000 per claim, for a total of $30,000,000 per year or $300,000,000 over 10 years. These estimates did not appear to take into account offsets so the number of paid claims will be less.

****

Table 1: Notional Examples of Benefits Following a Service Member's Death on Active Duty – Fiscal Year 2021 Values

	Type of Payment	Description	(a) O-5[19] (16 Years of Service) Married (age 38) with Two Children	(b) E-6 (10 YOS) Married (age 29) with Two Children	(c) E-4 (3 Years of Service) Married (age 22) with One Child
			Amount	Amount	Amount
ONE-TIME PAYMENTS	**Service Members Group Life Insurance (SGLI)**	Life insurance. All members are automatically covered unless declining coverage. Amount shown assumes member elected maximum coverage. Payment is tax-free.	$400,000	$400,000	$400,000
	Death Gratuity	Immediate tax-free payment to eligible survivors of members who die while on active duty or certain inactive duties. Amount does not vary.	$100,000	$100,000	$100,000
	Total Immediate Payments		**$500,000**	**$500,000**	**$500,000**
RECURRING ANNUAL PAYMENTS	**Survivor Benefit Plan (SBP)**	Annuity paid to the surviving spouse for life, or until remarriage if surviving spouse remarries prior to age 57. This payment is offset by Dependency and Indemnity Compensation (DIC), if DIC is paid to the spouse.[20]	$41,304 ($25,013 after DIC offset)	$17,274 ($984 after DIC offset)	$10,679 (fully offset by DIC)
	Dependency and Indemnity	Tax-free monetary benefit paid to eligible survivors of military	$24,362.40	$24,362.40	$20,326.56

	Type of Payment	Description	(a) O-5[19] (16 Years of Service) Married (age 38) with Two Children	(b) E-6 (10 YOS) Married (age 29) with Two Children	(c) E-4 (3 Years of Service) Married (age 22) with One Child
			Amount	Amount	Amount
	Compensation (DIC)	members who died in the line of duty or eligible survivors of Veterans whose death resulted from a service-related injury or disease. Paid by Department of VA.[21]			
	Special Survivor Indemnity Allowance (SSIA)	Paid to the surviving spouse if the spouse is subject to an offset of SBP due to receipt of DIC.[22]	$3,924	$3,924	$3,924
	Total Annual Recurring Payment for First Year	SBP (decreased by the amount of DIC) + DIC + SSIA. Amount shown is in 2020 dollars.	$53,299	$29,270	$24,250
	Estimated Lifetime Sum of Annual Payments	Assumptions: • Spouse lives to age 87, but does not remarry prior to age 57. • SBP (offset by DIC) is paid to the spouse for life rather than to the children. • DIC for child ends 10 years after the death of the member when children reach age 19 (note: for the E-4, it assumes 15 years after death of the member) and resumes when the spouse reaches age 65. • Average annual cost of living adjustment is 2.75%.	$4,842,372	$3,151,453	$3,749,434

	Type of Payment	Description	(a) O-5[19] (16 Years of Service) Married (age 38) with Two Children	(b) E-6 (10 YOS) Married (age 29) with Two Children	(c) E-4 (3 Years of Service) Married (age 22) with One Child
			Amount	Amount	Amount
	Total Estimated Government-Provided Direct Benefits (Immediate + Recurring Payments)		**$5,342,372**	**$3,651,453**	**$4,249,434[23]**

Table 2: Notional Estimates of Monthly DoD and VA Disability Benefits for a Member Permanently Injured on Active Duty – Fiscal Year 2021 Values

Type of Payment	Description	(a) O-3 (Over 8) Age 30, Married Male with Two Children with 100% Disability	(b) E-6 (Over 8) Age 26, Married Female with Two Children with 100% Disability	(c) O-3 (Over 8), Age 30 Married Male with Two Children with 50% Disability	(d) E-6 (Over 8) Age 26, Married Female with Two Children with 50% Disability
		Monthly	*Monthly*	*Monthly*	*Monthly*
DoD Disability Retired Pay Calculated Based on Disability Percentage (Before VA Offset)	Disability retired pay under Chapter 61, Title 10, U.S.C., is determined by multiplying the disability percentage (maximum 75 percent) by the retired pay base, which is the average of the highest 36 months of pay that member (received.[24]	$4,542	$2,519	$3,028	$1,679
Retired Pay Calculated Based on Years of Service	*A disability retiree has the option of choosing to have retired pay calculated based on the disability percentage (A) or based on longevity of service (B). In most cases, the disability percentage results in a greater*	*$1,211*	*$671*	*$1,211*	*$671*

Type of Payment	**Description**	**(a) O-3 (Over 8) Age 30, Married Male with Two Children with 100% Disability**	**(b) E-6 (Over 8) Age 26, Married Female with Two Children with 100% Disability**	**(c) O-3 (Over 8), Age 30 Married Male with Two Children with 50% Disability**	**(d) E-6 (Over 8) Age 26, Married Female with Two Children with 50% Disability**
	amount of retired pay. Longevity retired pay is calculated by multiplying years of service by the average of the highest 36 months of pay by the applicable retirement program multiplier.[25]				
VA Disability Compensation	A tax-free monetary benefit paid to veterans with disabilities that are the result of a disease or injury incurred or aggravated during active military service. The benefit amount is graduated according to the degree of the disability on a scale from 10 percent to 100 percent (in increments of 10 percent).[26]	$3,492	$3,492	$1,086	$1,086
DoD Disability Retired Pay (After VA Offset)	A retiree must waive a portion of his or her gross DoD retired pay, dollar for dollar, by the amount of his or her VA Disability Compensation pay	$1,049	$0	$1,941	$592
Total Monthly DoD and VA Compensation	VA Disability Compensation + DoD Disability Retired Pay After VA Offset.	$4,541	$3,492	$3,027	$1,678
		Annual	*Annual*	*Annual*	*Annual*
Annual DoD and VA Compensation	Total Monthly DoD and VA Compensation x 12 months	**$54,492**	**$41,904**	**$36,324**	**$20,136**

Type of Payment	Description	(a) O-3 (Over 8) Age 30, Married Male with Two Children with 100% Disability	(b) E-6 (Over 8) Age 26, Married Female with Two Children with 100% Disability	(c) O-3 (Over 8), Age 30 Married Male with Two Children with 50% Disability	(d) E-6 (Over 8) Age 26, Married Female with Two Children with 50% Disability
Lifetime DoD and VA Compensation After Disability Retirement	Annual total multiplied by the number of years of projected life. The life expectation for a male 30-year-old retired officer is 54.5 additional years. The life expectation for a female 26-year-old retired enlisted member is 56.5 additional years. Amounts shown are in 2020 dollars without taking into account annual cost-of-living adjustments (COLA) (i.e., the present value). The current COLA estimate used by the DoD Board of Actuaries for calculating future military retired pay is 2.75 percent per year.	**$2,969,814**	**$2,367,576**	**$1,979,658**	**$1,137,684**

****

BILLING CODE 5001–06–C

We estimate that 7 claims per year would have damages that would exceed the offset amount of $1.1 million. We used the notional example in Table 2(d), the lowest of the estimates in the notional examples, as the basis for the $1.1 million offset. For the Table 2(b) example of the married enlisted member with two children in the grade of E–6 who is medically retired with a 50 percent disability rating, the current value of her lifetime compensation would be $1,142,430. In addition to the $1,142,430 paid, benefits include medical care for the retired Service member and her family. All these amounts would offset any damages award.

We then estimated the number of claims likely to exceed $1.1 million using claims data from non-Service member claims under the FTCA or MCA. In 2019 and 2020, the Military Departments had 14 claims from retirees or dependents under the FTCA or MCA with damages that exceeded $1.1 million, whether through settlement or an adverse court judgment. The average amount payable for these 14 claims over 2 years was approximately $2.7 million. In one year, therefore, we estimate that 7 claims by Service members would go forward that exceed the $1.1 million threshold for payable damages.

[19] In these tables, ''O–5'' refers to an officer grade; ''E–4'' to an enlisted grade.

[20] Amount shown is annual. The spouse SBP annuity is 55% of what retired pay would have been had the member retired with a full disability retirement on the date of his or her death. SBP is adjusted annually for cost-of-living. The amount reflected is for 2020 and assumes the spouse receives the full amount of SBP. SBP is subject to offset if the spouse also receives DIC (only for the portion of DIC payable to the spouse. If SBP is paid to the children instead of the spouse, there is no offset but the annuity ends when all children reach the age of majority).

[21] Basic Monthly Rate for 2020 is $1,340.14 plus $332.00 per child age 18 or younger. $16,081 is payable as DIC for the spouse which is offset against SBP.

[22] SSIA is only received if SBP is reduced by the amount of DIC. If children receive SBP in full while the spouse receives DIC, no SSIA is paid.

[23] The total payout for the spouse of the E–4 is higher than that for the E–6 because the spouse is 7 years younger, but both live until age 87.

[24] For simplicity of calculation, each member is assumed to have 12 months of service ''over 8 years'' and 24 months of service ''over 6 years'' in the same paygrade they currently hold, with a retirement date of December 31, 2019. Prior to retirement, each member was covered under the High-3 retirement program.

[25] For members who entered service prior to January 1, 2018, the applicable multiplier is 2.5 percent unless the member elected to opt into the Blended Retirement System or elected the Career Status Bonus and converted to the REDUX retirement program. For these examples, all members are assumed to have remained under the legacy ''High-3'' retirement program with a 2.5 percent multiplier.

[26] Rates for veteran + spouse + child + additional child at *https://www.benefits.va.gov/COMPENSATION/resources_comp01.asp#BM05*.

Assuming 7 claims per year going forward exceeding $1.1 million, and average damages of $1.6 million (the difference between the average amount of $2.7 million paid per claim in the non-Active Duty claims and the estimated $1.1 million in offsets per Service member claim), the additional payments made by the U.S. because of section 731are estimated to be $11.2 million per year. Of this, the first $100,000 for each claim would be paid by DoD and the remainder paid by the Treasury Department, for an estimated total of $0.7 million to be paid by DoD based on 7 claims and $1.05 million to be paid by the Treasury Department.

As the tables above illustrate, Government paid benefits would not be a factor, as this claims process would have no impact on what the benefits Service member is already receiving, has received, or is entitled to receive in the future based on his or her injuries.

Total transfers from the U.S. government to claimants are estimated to be $11.2 million per year.

f. Benefits

Absent the claims process established by section 731, Service members would not have the opportunity for potential monetary payments above the amounts they currently receive through current DoD and VA benefits. In addition to providing an additional potential compensation remedy, the claims process reinforces DoD Clinical Quality Management Program procedures for appropriate accountability of DoD health care providers. NPDB reporting includes cases where DoD compensation is paid through the Disability Evaluation System or survivor benefits attributable to medical malpractice by a DoD health care provider and now, under this part, paid malpractice claims. Reports to the NPDB are accompanied by reports to State licensing boards and certifying agencies of the health care providers involved. The claims process further provides an opportunity for DoD to identify opportunities for improvement in in the delivery of healthcare, potentially preventing harm to others based upon measures taken by DoD as a result of a claim even if the claim does not result in the payment of monetary damages. Finally, this process is only applicable in certain cases of medical malpractice.

g. Interim Final Rule Justification

This rule is being issued as an interim final rule based on explicit statutory authorization and clear Congressional intent. Specifically, 10 U.S.C. 2733a(f)(3) provides that in order ''to implement expeditiously'' the new law DoD may issue the regulations the statute requires ''by prescribing an interim final rule.'' The law also requires DoD to consider public comments and issue a final rule within one year after issuing an interim final rule. The new law became effective January 1, 2020, and Congress desired expeditious adjudication of claims arising from alleged instances of medical malpractice dating back to 2017. For this reason, there is good cause for finding, consistent with 5 U.S.C. 553(b)(B), that prior notice and public comment are impracticable, unnecessary, or contrary to the public interest.

h. Public Law 96–354, ''Regulatory Flexibility Act'' (5 U.S.C. 601)

This interim final rule is not subject to the Regulatory Flexibility Act (5 U.S.C. 601) because it is not a notice of proposed rulemaking under 5 U.S.C. 601(2).

i. Assistance for Small Entities

This interim final rule does not impose requirements on small entities.

j. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), the Office of Information and Regulatory Affairs designated this interim final rule as not a major rule, as defined by 5 U.S.C. 804(2).

k. Sec. 202, Public Law 104–4, ''Unfunded Mandates Reform Act''

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) (2 U.S.C. 1532) requires agencies to assess anticipated costs and benefits before issuing any rule whose mandates require non-Federal spending in any one year of $100 million in 1995 dollars, updated annually for inflation. This interim final rule will not mandate any requirements for State, local, or tribal governments, nor affect private sector costs.

l. Public Law 96–511, ''Paperwork Reduction Act'' (44 U.S.C. Chapter 35)

It has been determined that 32 CFR part 45 does not impose new reporting or recordkeeping requirements under the Paperwork Reduction Act of 1995.

m. Executive Order 13132, ''Federalism''

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a proposed rule (and subsequent final rule) that imposes substantial direct requirement costs on State and local governments, preempts State law, or otherwise has Federalism implications. This interim final rule will not have a substantial effect on State and local governments.

List of Subjects in 32 CFR Part 45

Medical, Malpractice, Claims, Uniformed Services.

■ Accordingly 32 CFR part 45 is added to read as follows:

PART 45—MEDICAL MALPRACTICE CLAIMS BY MEMBERS OF THE UNIFORMED SERVICES

Sec.

Authority: 10 U.S.C. 2733a.

§ 45.1 Purpose of this part.

(a) *In general.* The purpose of this part is to establish the rules and procedures for members of the uniformed services or their representatives to file claims for compensation for personal injury or death caused by the medical malpractice of a Department of Defense (DoD) health care provider. Claims under this part may be settled and paid by DoD under the Military Claims Act, Title 10, United States Code, Chapter 163, specifically section 2733a of Title 10 (hereinafter 10 U.S.C. 2733a, section 2733a, or the statute), as added to the Military Claims Act by section 731 of the National Defense Authorization Act for Fiscal Year 2020 (Pub. L. 116–92; 133 Stat. 1457). Claims are adjudicated under an administrative process. This administrative process follows a set of rules and procedures set forth in this part. These rules and procedures are based primarily on a number of detailed provisions in the statute.

(b) *Relationship to military and veterans' compensation programs.* Federal law provides a comprehensive system of compensation for military members and their families in cases of

death or disability incurred in military service. This system applies to all causes of death or disability incurred in service, whether due to combat injuries, training mishaps, motor vehicle accidents, naturally occurring illnesses, household events, with limited exceptions (*e.g.,* when the member is absent without leave or the injury is due to the member's intentional misconduct or willful negligence). This comprehensive compensation system applies to cases of personal injury or death caused by medical malpractice incurred in service as it does to all other causes. This part provides for the possibility of separate compensation in certain cases of medical malpractice but in no other type of case. A medical malpractice claim under this part will have no effect on any other compensation the member or family is entitled to under the comprehensive compensation system applicable to all members. However, a claimant under this part does not receive duplicate compensation for the same harm. Thus, with some limited exceptions, a potential malpractice damages award under this part is reduced or offset by the total value of the compensation the claimant is expected to receive under the comprehensive compensation system, whether or not the claimant ultimately receives such compensation, and the ultimate amount of a settlement under this part will be the amount, if any, that a potential malpractice damages award determined under the terms and conditions of this part exceeds the value of all the compensation and benefits the claimant is otherwise expected to receive from DoD or the Department of Veterans Affairs (VA).

(c) *Relationship to Healthcare Resolutions Program.* The medical malpractice claims process under this part is separate from the Military Health System Healthcare Resolutions Program. The Healthcare Resolutions Program, under Defense Health Agency Procedural Instruction 6025.17, is an independent, neutral, and confidential system that promotes full disclosure of factual information—including information involving adverse events and outcomes—and mediation of clinical conflicts. The program is part of the Military Health System's commitment to transparency, which also includes a patient's right to be heard as part of any quality assurance review of care provided. The Healthcare Resolutions Program is not involved in legal proceedings, compensation matters, or the adjudication of claims under this part. However, any member of the uniformed services may engage the Healthcare Resolutions Program to address non-monetary aspects of his or her belief that he or she has been harmed by medical malpractice by a DoD health care provider. Because it is not involved in claims or legal proceedings, the Healthcare Resolutions Program disengages when a claim is filed by a service member or his or her representative.

§ 45.2 Claims payable and not payable in general.

(a) *In general.* This section sets forth a number of terms and conditions included in the statute (10 U.S.C. 2733a) that describe claims that are payable and not payable. Some of these terms and conditions are discussed in more detail in later sections of this part.

(b) *Claim not otherwise payable.* As required by the statute (section 2733a(b)(5)), a claim under this Part may only be paid if it is not allowed to be settled and paid under any other provision of law. This limitation provides that it cannot be a claim allowed under the Federal Tort Claims Act (FTCA), 28 U.S.C. 1346 and Chapter 171. Claims against the United States filed by members of the uniformed services or their representatives for personal injury or death incident to service are not allowed under the FTCA. These claims may be allowed under this Part if they meet the other applicable terms and conditions.

(c) *Time period for filing claims.* (1) The statute (section 2733a(b)(4)) requires that a claim must be received by DoD in writing within two years after the claim accrues. For mailed claims, timeliness of receipt will be determined by the postmark.

(2) There is a special rule for claims filed during calendar year 2020. Such claims must be presented to DoD in writing within three years after the claim accrues. The tolling provisions under the Servicemembers Civil Relief Act, 50 U.S.C. 3901–4043, are not applicable under this section.

(3) For purposes of applying the time limit for filing a claim, a claim accrues as of the latter of:

(i) The date of the act or omission by a DoD health care provider that is the basis of the malpractice claim; or

(ii) The date on which the claimant knew, or with the exercise of reasonable diligence should have known, of the injury and that malpractice was its possible cause.

(4) State statutes of limitation or repose are inapplicable.

(d) *No claim for attorney's fees or expenses in addition to statutorily allowed amount.* In calculating the amount that may be paid under this part, consistent with section 2733a(c)(2), there is no additional amount permitted for attorneys' fees or expenses associated with filing a claim or participating in any process relating to the adjudication of the claim. The adjudication of claims under this part is not an adversarial proceeding and there is no prevailing party to be awarded costs.

(e) *Claims adjudication based on national standards.* As required by the statute (section 2733a(f)(2)(B)), claims are adjudicated based on national standards consistent with generally accepted standards used in a majority of States in adjudicating claims under the FTCA. The determination of the applicable law is without regard to the place of occurrence of the alleged medical malpractice giving rise to the claim or the military or executive department or service of the member of the uniformed services. Foreign law has no role in the case of claims arising in foreign countries. The legal standards set forth in other sections of this part apply to determinations with respect to:

(1) Whether an act or omission by a DoD health care provider in the context of performing medical, dental, or related health care functions was negligent or wrongful, considering the specific facts and circumstances;

(2) Whether the personal injury or death of the member was proximately caused by a negligent or wrongful act or omission of a DoD health care provider in the context of performing medical, dental, or related health care functions, considering the specific facts and circumstances;

(3) Requirements relating to proof of duty, breach of duty, and causation resulting in compensable injury or loss, subject to such exclusions as may be established by this Part; and

(4) Calculation of damages that may be paid.

(f) *Certain other claims not payable.* The generally accepted legal standards under FTCA that are required to be reflected in the adjudication of claims under this Part include certain exclusions that are part of FTCA law.

(1) The due care and discretionary function exceptions apply to claims under this part.

(i) The due care and discretionary function exceptions, 28 U.S.C. 2680(a), bar any claim based upon an act or omission of a DoD health care provider, exercising due care, in the execution of a statute or regulation or based upon the exercise or performance of any discretionary function or duty on the part of DoD or a DoD health care provider.

(ii) The due care exception applies to any DoD health care provider's act, if carried out with due care, or omission, if omitted with due care, in the execution of a statute or regulation. The due care exception applies whether or not the statute or regulation is valid.

(iii) The discretionary function exception applies to the exercise or performance or the failure to exercise or perform any discretionary function. The discretionary function exception applies whether or not the discretion involved was abused. It applies to any DoD health care provider's act or omission that is a permissible exercise of discretion under the applicable statutes, regulations, or directive and, by its nature, is susceptible to policy analysis. The discretionary function exception applies to DoD policy decisions regarding clinical practice, patient triage, force health protection, medical readiness, health promotion, disease prevention, medical screening, health assessment, resource management, hiring and retaining employees, selection of contractors, military standards, fitness for duty, duty limitations, and health information management, among other matters affecting or involving the provision of health care services.

(2) The quarantine exception applies to claims under this part. This exception, consistent with 28 U.S.C. 2680(f), bars any claim for damages caused by the imposition or establishment of a quarantine by any agency of the U.S. Government.

(3) The combatant activities exception applies to claims under this part. This exception, consistent with 28 U.S.C. 2680(j), bars any claim arising out of the combatant activities of the military or naval forces, or the Coast Guard, in time of war.

(4) The FTCA's exclusions under 28 U.S.C. 2674 of interest prior to judgment and punitive damages apply to any claim under this part.

(5) Claims based on intentional or negligent infliction of emotional distress, other intentional torts, wrongful death/life, strict liability, products liability, informed consent, negligent credentialing, or joint and severable liability theories are not payable under this part.

(6) Breach of medical confidentiality is not actionable under this part.

§ 45.3 Authorized claimants.

(a) *In general.* This section describes who may file a claim under this part. A claim may be filed only by a member of a uniformed service or an authorized representative on behalf of a member who is deceased or otherwise unable to file the claim due to incapacitation. A member of the uniformed services includes a cadet or midshipman from the military academies. It does not include an applicant to join a uniformed service or a delayed entry program recruit who has not been accessed into active duty.

(1) As provided in section 2733a(b)(1), the claim must be filed by the member of the uniformed services who is the subject of the medical malpractice claim or by an authorized representative on behalf of such member who is deceased or otherwise unable to file the claim due to incapacitation.

(2) In some circumstances, a claim otherwise payable under this part may be filed by or on behalf of a reserve component member. As provided in section 2733a(i)(3), those circumstances are that the claim is in connection with personal injury or death that occurred while the member was in a Federal duty status. This circumstance includes personal injury, death, or negligent diagnosis resulting from a negligent or wrongful act or omission that occurred while the member was in a Federal duty status. In the case of a member of the National Guard of the United States, a period of Federal duty status may be under Title 10, U.S. Code, or, based on 10 U.S.C. 12602, duty under title 32, U.S. Code. Other duty under State control is not covered.

(b) *Third party claims not allowed.* The statute only authorizes claims by members of the uniformed services. Thus, the regulation does not permit derivative claims or other claims from third parties alleging a separate injury as a result of harm to a member of the uniformed services. This prohibition includes claims by family members or survivors arising out of the circumstances of personal injury or death of a member.

(c) *Incident to service requirement.* Under section 2733a(a), the member's personal injury or death must be incident to service. An injury or death is incident to service if the medical care provided is based on the member's status under this section.

§ 45.4 Filing a claim.

(a) *In general.* A member of a uniformed service or, when applicable, an authorized representative may file a claim in writing. Any written claim will suffice as long as it is meets the requirements below and is signed by the claimant or authorized representative.

(b) *Contents of the claim.* The filed claim must include the following:

(1) The factual basis for the claim, including identification of the conduct allegedly constituting malpractice (*e.g.,* the theory of liability and/or breach of the applicable standard of care);

(2) A demand for a specified dollar amount;

(3) If the claim is filed by an attorney, an affidavit from the claimant affirming the attorney's authority to file the claim on behalf of the claimant;

(4) If the claim is filed by an authorized representative, an affidavit from the representative affirming his/her authority to file on behalf of the claimant;

(5) If the claimant is not represented by an attorney, unless the alleged medical malpractice is within the general knowledge and experience of ordinary laypersons, an affidavit from the claimant affirming that the claimant consulted with a health care professional who opined that a DoD health care provider breached the standard of care that caused the alleged harm. Alternatively, if the claimant is represented by an attorney, unless the alleged medical malpractice is within the general knowledge and experience of ordinary laypersons, the claimant must submit an affidavit from the attorney affirming that the attorney consulted with a health care professional who opined that a DoD health care provider breached the standard of care that caused the alleged harm. The requirement in this paragraph does not apply to claims filed prior to the publication of this Interim Final Rule.

(c) *Additional information to file in support of claim.* In the investigation and adjudication of a claim, DoD will access pertinent DoD records and information systems regarding the member in order to consider fully all facts that have a bearing on the claim. This collection may include information in personnel and medical records, the Defense Eligibility and Enrollment System (DEERS), reports of investigation, medical quality assurance records, and other information. Upon DoD's request, a claimant must identify any pertinent health care providers outside of DoD, and provide a copy of his or her medical records from each of the identified health care providers, including a statement that the records are complete. A claimant must provide medical release(s) upon DoD's request, enabling DoD to obtain medical records from these health care providers. Claimants may submit any other relevant information they believe supports their claim, such as information regarding the medical care involved, the acts or omissions the claimant believes constitute malpractice, medical opinions from

non-DoD providers, and evidence of pain and suffering or other harm.

(d) *Substantiating the claim.* Under section 2733a(b)(6), DoD is allowed to pay a claim only if it is substantiated. The claimant has the burden to substantiate the claim by a preponderance of the evidence. Upon receipt of a claim, DoD may require that the claimant provide additional information DoD believes is necessary for adjudication of the claim, including the submission of an expert opinion at the claimant's expense. DoD may determine an expert opinion is not necessary when negligence is within the general knowledge and experience of ordinary laypersons, such as when a foreign object is unintentionally left in the body or an operation occurred on the wrong body part.

(e) *No discovery.* There is no discovery process for adjudication of claims under this Part. However, claimants may obtain copies of records in DoD's possession that are part of their personnel and medical records in accordance with DoD Instruction 5400.11, ''DoD Privacy and Civil Liberties Programs''; DoD Instruction 6025.18, ''Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule Compliance in DoD Health Care Programs,'' and supplemental DoD issuances to those Instructions. Claimants are not entitled to attorney work product, attorney client privileged communications, material that is part of a DoD Quality Assurance Program protected under 10 U.S.C. 1102, predecisional material, or other privileged information.

§ 45.5 Elements of payable claim: facilities and providers.

(a) *In general.* This section describes some of the necessary elements of a payable claim. The health care involved must occur in a covered military medical treatment facility (MTF) and be provided by a DoD health care provider acting within the scope of employment.

(b) *Covered MTF.* (1) As provided in section 2733a(b)(3) and (i)(1), the alleged act or omission constituting medical malpractice must have occurred in a covered MTF. For the purposes of this regulation, an MTF is a medical center, inpatient hospital, or ambulatory care center, as those facilities are described in 10 U.S.C. 1073d. Fixed dental clinics are also included.

(2) A claim may not be based on health care services provided by DoD health care providers in any other location, such as in the field, battalion aid stations, ships, planes, deployed settings, or in any other place that is not a covered MTF.

(c) *DoD health care provider.* As provided in section 2733a(i)(2), a DoD health care provider is a member of the uniformed services, DoD civilian employee, or personal services contractor of the Department (under 10 U.S.C. 1091) authorized by DoD to provide health care services. A non-personal services contractor or a volunteer working in an MTF is not a DoD health care provider for purposes of a payable claim under this part.

(d) *Scope of employment.* As provided in section 2733a(b)(2), for a claim to be payable under this part, the DoD health care provider whose negligent or wrongful act or omission is the basis of a claim must be acting within the scope of employment, meaning that the provider was acting in furtherance of his or her duties in the MTF. For personal services contractors, ''scope of employment'' means the contractor was acting within the scope of his or her duties.

§ 45.6 Element of payable claim: negligent or wrongful act or omission.

(a) *In general.* To establish the element of a negligent or wrongful act or omission, a member of a uniformed service (''claimant'') allegedly harmed incident to service by medical malpractice must prove by a preponderance of the evidence that one or more DoD health care providers in a covered MTF acting within the scope of employment had a professional duty to the patient involved and by act or omission breached that duty which proximately caused the injury or death.

(b) *Standard of care.* The professional duty referred to in paragraph (a) of this section is a duty to exercise the same degree of skill, care, and knowledge ordinarily expected of providers in the same field or specialty in a comparable clinical setting. The standard of care is determined based on generally recognized national standards, not on the standards of a particular region, State or locality. However, standard of care in the military context may be impacted by the particular setting and the availability of resources in that setting.

(c) *Breach of the standard of care.* A breach referred to in paragraph (a) occurs if the health care provider or providers by act or omission did not meet the standard of care.

(d) *Presenting evidence of the standard of care.* A claimant may present evidence to support what the claimant believes is the standard of care relevant to the care involved in the claim.

(e) *Presenting evidence of a failure to meet the standard of care.* (1) A claimant may present evidence to support what the claimant believes demonstrates the failure of one or more DoD health care providers to meet the standard of care. That evidence may be based on the medical records of the patient involved and other documentary evidence of the acts or omissions of health care providers involved, including expert reports.

(2) Evidence of an apology by a health care provider or any other DoD or Military Department personnel, such as hospital directors or commanders, to or regarding a patient will not be considered evidence of medical malpractice. Providers often apologize for unexpected or adverse outcomes independent of whether the provider's acts or omissions met the standard of care.

(f) *Information DoD will consider in assessing whether there was a negligent or wrongful act or omission.* (1) In addition to the information submitted by the claimant, DoD may consider all relevant information in DoD records and information systems or otherwise available to DoD, including information prepared by or on behalf of DoD in connection with adjudication of the claim.

(2) DoD will consider medical quality assurance records relevant to the health care provided to the patient. DoD's Clinical Quality Management Program features reviews of many circumstances of clinical care. Results of any such reviews of the care involved in the claim that occurred before or after the claim was filed may be considered by DoD in the adjudication of the claim. As required by 10 U.S.C. 1102, DoD medical quality assurance records are confidential. While such records may be used by DoD, any information contained in or derived from such records may not be disclosed to the claimant.

§ 45.7 Element of payable claim: proximate cause.

(a) *In general.* (1) In a case otherwise payable under this part, a claimant must prove by a preponderance of evidence that a negligent or wrongful act or omission by one or more DoD health care providers was the proximate cause of the harm suffered by the member.

(2) Under section 2733a(c)(1), DoD is liable for only the portion of compensable injury, loss, or damages attributable to the medical malpractice of a DoD health care provider. To the extent other causes contributed to the personal injury or death of the member, whether pre-existing, concurrent, or subsequent, the potential amount of compensation under this regulation will

be reduced by that proportion of the alternative cause(s).

(b) *Comparative negligence.* A rule of modified comparative negligence will apply to claims under this part. If a claimant was contributorily negligent in relation to the health care provided, damages will be reduced by the proportion of fault assigned to the Service member. If the claimant's own negligence constituted more than 50% of the fault, the claim is not payable.

(c) *Loss of chance or failure to diagnose.* A claimant may recover for loss of chance for a more favorable clinical outcome in the diagnosis and treatment of his or her illness or injury. The claimant must prove by a preponderance of the evidence that one or more DoD health care providers in a covered MTF acting within the scope of employment had a professional duty to the claimant and by act or omission breached that duty and proximately caused harm. In proving that the claimant suffered harm, the claimant must prove that the lost chance for a better outcome or the failure to diagnose a condition is attributable to the provider or providers. The claimant must prove a substantial loss as opposed to a theoretical or de minimis loss. The portion of harm attributable to the breach of duty will be the percentage of chance lost in proportion to the overall clinical outcome. Damages will be calculated based on this portion of harm.

(d) *Information DoD will consider in assessing proximate cause.* (1) In addition to the information submitted by the claimant, DoD may consider all relevant information in DoD records or information systems or otherwise available to DoD, including information prepared by or on behalf of DoD in connection with adjudication of the claim.

(2) DoD will consider medical quality assurance records relevant to the health care provided to the patient. DoD's Clinical Quality Management Program features reviews of many circumstances of clinical care. Results of any such reviews of the care involved in the claim that occurred before or after the claim was filed may be considered by DoD in the adjudication of the claim. As required by 10 U.S.C. 1102, DoD medical quality assurance records are confidential. While such records may be used by DoD, any information contained in or derived from such records may not be disclosed to the claimant.

§ 45.8 Calculation of damages: disability rating.

(a) *In general.* For certain purposes relating to calculating damages for a member in a claim under this part, DoD will use the disability rating established in the DoD Disability Evaluation System under DoD Instruction 1332.18 [1] or otherwise established by the Department of Veterans Affairs (VA) to assess the extent of the harm alleged to have been caused by medical malpractice. This rating is stated as a disability percentage under the VA Schedule for Rating Disabilities (VASRD) under 38 CFR part 4 or a successor provision. Under 10 U.S.C. 1216a, DoD is required to use the VASRD for assessing the degree of disability of a member under the Disability Evaluation System. DoD will use it for purposes of this part as well. A VASRD-based disability percentage represents the Government's estimate of the lost earning capacity attributable to an illness or injury incurred during military service. A Service member medically separated or retired through the Disability Evaluation System may receive distinct DoD and VA disability ratings. DoD will consider disability ratings, to the extent DoD deems pertinent, for other purposes relating to calculating damages, such as calculating loss of earning capacity and non-economic damages.

(b) *Disability rating procedures.* (1) If a claimant disagrees with the disability rating received in the DoD or VA disability evaluation or claims processes, the member must pursue the appeal opportunities available within the DoD and/or VA to change the member's disability rating.

(2) In any case in which a member has filed a claim under this part and also has a disability determination pending under DoD or VA disability evaluation or claims processes applicable to determinations or appeals, DoD may, in its discretion, hold in abeyance the claim under this part pending the outcome of the disability evaluation or claims process. DoD will notify the claimant that his or her claim is being held in abeyance.

(3) In any case in which a member has not yet received a DoD or VA disability evaluation because the member is retained on active duty, DoD will use the VASRD as the standard for assessing the degree of disability of the member relevant to the member's claim under this part.

§ 45.9 Calculation of damages: economic damages.

(a) *In general.* Economic damages are one component of a potential damages award. The claimant has the burden to prove the amount of economic damages by a preponderance of evidence. Estimates of future losses must be discounted to present value.

(b) *Elements of economic damages in personal injury cases.* Elements of economic damage are limited to the following:

(1) Past expenses, including medical, hospital, and related expenses actually incurred. These expenses do not include health care services provided or paid for by DoD or VA.

(2) Future medical, hospital, and related expenses. These expenses do not include health care goods and services for which the member is entitled to receive from, or be reimbursed for by, DoD (including TRICARE) or VA. Goods and services provided or paid for by DoD or VA are deemed sufficient to meet the claimant's needs for that particular type of good or service.

(3) Past lost earnings unrelated to compensation as a member of the uniformed services. Appropriate documentation is required.

(4) Loss of earning capacity, after deducting for the claimant's personal consumption from the date of injury causing death until expiration of the claimant's work-life expectancy, as substantiated by appropriate documentation. In addition, loss of retirement benefits is compensable and similarly discounted after appropriate deductions. Estimates must be discounted to present value.

(5) Compensation when the claimant can no longer perform essential household services on his or her own behalf, including activities of daily living. This compensation does not include goods and services the member is entitled to receive from, or be reimbursed for by, DoD or VA. Goods and services provided or paid for by DoD or VA are deemed sufficient to meet the claimant's needs for that particular type of good or service.

(c) *Information DoD will consider in calculating economic damages.* In addition to the information submitted by the claimant, DoD may consider all relevant information in DoD records or information systems or otherwise available to DoD, including assessments from appropriate documentary sources and experts available to DoD.

§ 45.10 Calculation of damages: non-economic damages.

(a) *In general.* Non-economic damages are one component of a potential damages award. The claimant has the burden of proof on the amount of non-economic damages by a preponderance of evidence.

[1] Available at *https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/133218p.pdf?ver=2018-05-24-133105-050.*

(b) *Elements of non-economic damages.* Elements of non-economic damage are limited to the following:

(1) *Past and future conscious pain and suffering by the claimant.* This element is physical discomfort as well as mental and emotional trauma or distress. Loss of enjoyment of life is compensable. The inability to perform daily activities that one performed prior to injury, such as recreational activities, is included in this element. DoD may request an interview of or statement from the member or other person with primary knowledge of the claimant.

(2) *Physical disfigurement.* This element is impairment resulting from an injury to a member that causes diminishment of beauty or symmetry of appearance rendering the member unsightly, misshapen, imperfect, or deformed. DoD may require a medical statement and photographs, documenting the claimant's condition.

(c) *Cap on non-economic damages.* In any claim under this part, total non-economic damages may not exceed a cap amount. The current cap amount is $500,000. Updates to cap amounts in subsequent years will be published periodically, consistent with changes in prevailing amounts in the majority of the States with non-economic damages caps.

(d) *Information DoD will consider in calculating non-economic damages.* In addition to the information submitted by the claimant, DoD may consider all relevant information in DoD records or otherwise available to DoD, including assessments from appropriate documentary sources and experts available to DoD.

§ 45.11 Calculation of damages: offsets for DoD and VA Government compensation.

(a) *In general.* Total potential damages calculated under this Part, both economic and non-economic, are reduced by offsetting most of the compensation otherwise provided or expected to be provided by DoD or VA for the same harm that is the subject of the medical malpractice claim. The general rule is that prospective medical malpractice damage awards are offset by DoD or VA payments and benefits that are primarily funded by Government appropriations. However, there is no offset for U.S. Government payments and benefits that are substantially funded by the military member.

(b) *Eligibility for payments and benefits.* In determining the offsets that are applied to a medical malpractice damages award under this part, DoD presumes that a claimant will receive all the payments and benefits for which the claimant is expected to be eligible, whether or not the claimant has taken steps to obtain the payment or benefit or ultimately receives such payment or benefit. A claimant may present evidence that he or she is not eligible for a payment or benefit to rebut the presumption.

(c) *Information considered.* In determining offsets under this section, DoD will consider all data available in DoD records or information systems, other U.S. Government records systems, and other information available to DoD. This data may include information on military pay and allowances, Disability Evaluation System outcomes, VA disability claims, marital status, number and ages of dependents, survivor benefits, and other information. Access to all such information will be in accordance with the Privacy Act, 5 U.S.C. 552a, and applicable implementing regulations.

(d) *Present value of future payments and benefits.* In determining offsets under this section, DoD will estimate the present value of future payments and benefits. Many such payments and benefits in cases of disability or death are lifetime benefits for members or survivors. With respect to any lifetime payments or benefits that may terminate upon the remarriage of a surviving spouse, DoD will not assume a remarriage. Estimates will be based on actuarial information provided by the Chief Actuary, DoD Office of the Actuary, taking into consideration methods and assumptions approved by the DoD Board of Actuaries and DoD Medicare-Eligible Retiree Health Care Board of Actuaries, respectively, as of the recent actuarial valuation date.

(e) *Payment and benefit programs.* The listings in this section of certain programs that offset and do not offset potential medical malpractice damages awards are not all-inclusive and are subject to adjustment as necessary to account for compensation otherwise provided by DoD or VA for the same harm that resulted from the medical malpractice. Because compensation programs are often changed by Congress, Federal agencies, or judicial decisions, DoD will annually review relevant programs and take account of any such changes for purposes of applying the rules of this section to the adjudication of claims under this part.

(f) *Payments and benefits that are offsets.* Potential damage awards under this part are offset by the present value of the following payments and benefits:

(1) Pay and allowances while a member remains on active duty or in an active status.

(2) Disability retired pay in the case of retirement due to the disability caused by the alleged medical malpractice.

(3) Disability severance pay in the case of non-retirement disability separation caused by the alleged medical malpractice.

(4) Incapacitation pay.

(5) Involuntary and voluntary separation pays and incentives.

(6) Death gratuity.

(7) Housing allowance continuation.

(8) Survivor Benefit Plan.

(9) VA disability compensation, to include Special Monthly Compensation, attributable to the disability resulting from the malpractice.

(10) VA Dependency and Indemnity Compensation, attributable to the disability resulting from the malpractice.

(11) Special Survivor Indemnity Allowance.

(12) Special Compensation for Assistance with Activities of Daily Living.

(13) Program of Comprehensive Assistance for Family Caregivers.

(14) Fry Scholarship.

(15) TRICARE coverage, including TRICARE-for-Life, for a disability retiree, family, or survivors. Future TRICARE coverage is part of the Government's compensation package for a disability retiree or survivor.

(g) *Payments and benefits that are not offsets.* Potential awards under this Part are not offset by the present value of the following payments and benefits.

(1) Servicemembers Group Life Insurance.

(2) Traumatic Servicemembers Group Life Insurance.

(3) Social Security disability benefits.

(4) Social Security survivor benefits.

(5) Prior Government contributions to a Thrift Savings Plan.

(5) Commissary, exchange, and morale, welfare, and recreation facility access.

(6) Value of legal assistance and other services provided by DoD.

(7) Medical care provided while in active service or in an active status prior to death, retirement, or separation.

§ 45.12 Initial and Final Determinations.

(a) *Denial of claim—deficient filing.* If a claim does not contain the information required by § 45.4(b), DoD will issue an Initial Determination stating that DoD will issue a Final Determination denying the claim unless the deficiency is cured.

(1) DoD will provide the claimant 30 calendar days following receipt of the Initial Determination to cure the deficiency, unless an extension of time is granted for good cause. The date of receipt of the Initial Determination will

be presumed to be five calendar days after the date the Initial Determination was mailed or emailed, unless there is evidence to the contrary.

(2) If the claimant does not timely cure the deficiency, DoD will issue a Final Determination denying the claim for failure to cure the deficiency. A Final Determination issued under paragraph (a) of this section may not be appealed.

(b) *Denial of claim—failure to state a claim.* If a claim does not, based upon the information provided, state a claim cognizable under 10 U.S.C. 2733a or this interim final rule, DoD will issue an Initial Determination denying the claim. Such an Initial Determination may be appealed under the procedures in § 45.13.

(c) *Denial of claim—absence of an expert report.* Where applicable, if the claimant initially does not submit an expert report in support of his or her claim and DoD intends to deny the claim, DoD will issue an Initial Determination stating, without more, that DoD will issue a Final Determination denying the claim in the absence of an expert report or manifest negligence.

(1) DoD will provide the claimant 90 calendar days following receipt of the Initial Determination to submit an expert report, unless an extension of time is granted for good cause. The date of receipt of the Initial Determination will be presumed to be five calendar days after the date the Initial Determination was mailed or emailed, unless there is evidence to the contrary.

(2) If the claimant does not timely submit an expert report, DoD will issue a Final Determination denying the claim and will provide a brief explanation of the basis for the denial to the extent practicable. A Final Determination issued under this paragraph (c) may not be appealed.

(d) *Initial Determination.* (1) Upon consideration of the information provided by the claimant and relevant information available to DoD, DoD will issue the claimant a written Initial Determination.

(2) The Initial Determination may be in the form of a certified letter and/or an email. The Initial Determination may take the form of a grant of a claim and an offer of a settlement or a denial of the claim. Subject to applicable confidentiality requirements, such as 10 U.S.C. 1102, privileged information, and paragraph (a) of this section, DoD will provide a brief explanation of the basis for the Initial Determination to the extent practicable.

(3) The Initial Determination will include information on the claimant's right to appeal if the claimant does not agree with the Initial Determination.

(4) The claimant may request reconsideration of the damages calculation contained in an Initial Determination if, within the time otherwise allowed to file an administrative appeal, the claimant identifies an alleged clear error—a definite and firm conviction that a mistake has been committed—in the damages calculation. DoD will review the alleged clear error and will issue an Initial Determination on Reconsideration either granting or denying reconsideration of the Initial Determination and adjusting the damages calculation, if appropriate. The Initial Determination on Reconsideration will include information on the claimant's right to appeal under the procedures in § 45.13.

§ 45.13 Appeals.

(a) *In general.* This section describes the appeals process applicable to Initial Determinations under this part, which include Initial Determinations on Reconsideration. With the exception of Initial Determinations issued under § 45.12(a), in any case in which the claimant disagrees with an Initial Determination, the claimant has a right to file an administrative appeal. The claimant should explain why he or she disagrees with the Initial Determination, but may not submit additional information in support of the claim unless requested to do so by DoD. An appeal must be received within 60 calendar days of the date of receipt by the claimant/counsel of the Initial Determination, unless an extension of time is granted for good cause. The date of receipt of the Initial Determination will be presumed to be five calendar days after the date the Initial Determination was mailed or emailed, unless there is evidence to the contrary. If no timely appeal is received, DoD will issue a Final Determination.

(b) *Appeals Board.* Appeals will be decided by an Appeals Board administratively supported by the Defense Health Agency. Although there may be, in DoD's discretion, multiple offices that initially adjudicate claims under this part (such as offices in the Military Departments), there is a single DoD Appeals Board. The Appeals Board will consist of not fewer than three and no more than five DoD officials designated by the Defense Health Agency from that agency and/or the Military Departments who are experienced in medical malpractice claims adjudication. Appeals Board members must not have had any previous role in the claims adjudication under appeal. Appeals are decided on a written record and decisions will be approved by a majority of the members. There is no adversarial proceeding and no hearing. There is no opposing party. The Appeals Board may obtain information or assessments from appropriate sources, including from the claimant, to assist in deciding the appeal. The Appeals Board is bound by the provisions of this Part and will not consider challenges to them.

(c) *Burden of proof.* The claimant on appeal has the burden of proof by a preponderance of evidence that the claim is substantiated in the written record considered as a whole.

(d) *Appeals Board decisions.* (1) Every claimant will be provided a written Final Determination on the claimant's appeal. The Final Determination may adopt by reference the Initial Determination or revise the Initial Determination, as appropriate. If the Final Determination revises the Initial Determination, DoD will provide a brief explanation of the basis for the revisions to the extent practicable.

(2) An Appeals Board decision is final and conclusive. 10 U.S.C. 2735.

(3) The Appeals Board may reverse the Initial Determination to grant or deny a claim and may adjust the settlement amount contained in the Initial Determination either upwards or downwards as appropriate.

§ 45.14 Final and conclusive resolution.

(a) *Administrative adjudication final.* As provided in 10 U.S.C. 2735, the adjudication and settlement of a claim under this part is final and conclusive and not subject to review in any court. Unlike the FTCA, the Military Claims Act, 10 U.S.C. chapter 163, which provides the authority for this part, does not give Federal courts jurisdiction over claims. Further, no claim under this Part may be paid unless the amount tendered is accepted by the claimant in full satisfaction.

(b) *Additional terms of settlement agreement.* (1) Settlement agreements under this part will incorporate the requirement of section 2733a(g)(1) that no attorney may charge, demand, receive, or collect for services rendered, fees in excess of 20 percent of any claim payment amount under this part.

(2) Because settlement and payment of a claim under this part is under section 2733a(b)(5) conditional on the claim not being allowed to be settled and paid under any other provision of law, a settlement agreement under this part will include a provision that it bars any other claim against the United States or DoD health care providers arising from the same set of facts.

§ 45.15 Other claims procedures and administrative matters.

(a) *Payment of damages.* In the event damages are awarded, the claimant or the claimant's estate is entitled to payment of those damages.

(b) *Communication through counsel.* If the claimant is represented by counsel, all communications will be through the claimant's counsel.

(c) *Remedies for filing false claims or making false statements.* Remedies available to the United States for filing false claims with Federal agencies or making false statements to Federal agencies and officials are applicable to claims and statements made in connection with claims under this part. Applicable authorities include 31 U.S.C. 3729 and 18 U.S.C. 1001. False claims and claims supported by false statements will be denied.

(d) *Reports to the Defense Health Agency.* As provided in section 2733a(e), not later than 30 calendar days after a Final Determination of medical malpractice or the payment of all or a portion of a claim under this part, a report documenting that determination is sent to the Director, Defense Health Agency to be used for all necessary and appropriate purposes, including those actions undertaken as part of DoD's Clinical Quality Management Program.

(e) *Monitoring claims adjudications under this part.* The General Counsel of the Defense Health Agency will monitor the performance of the claims adjudications structures and procedures under this part, including accounting for the number of claims processed under this part and the resolution of each claim and identifying means to enhance the effectiveness of the claims adjudication process.

(f) *Authority for actions under this part.* To ensure consistency and compliance with statutory requirements, supplementation of the procedures in this part is not permitted without approval in writing by the General Counsel of the Department of Defense. The General Counsel of the Department of Defense, under DoD Directive 5145.01, ''General Counsel of the Department of Defense,'' may delegate in writing authority for making Initial and Final Determinations, and other actions by DoD officials under this part. As used in this part, and at DoD's discretion, ''DoD'' may include, but is not limited to, Military Departments.

Dated: June 14, 2021.

Patricia L. Toppings,

OSD Federal Register Liaison, Department of Defense.

[FR Doc. 2021–12815 Filed 6–16–21; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2021–0390]

Safety Zones; Annual Event in the Captain of the Port Buffalo Zone

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

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce a safety zone located in Federal regulations for a recurring marine event. This action is necessary and intended for the safety of life and property on navigable waters during these events. During each enforcement period, no person or vessel may enter the respective safety zone without the permission of the Captain of the Port Buffalo.

DATES: The regulations in 33 CFR 165.939, Table 165.939, entry (a)(1), will be enforced from 9:45 p.m. to 11:15 p.m. on June 18, 2021.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, call or email LCDR William Fitzgerald, Chief of Waterways Management, U.S. Coast Guard Marine Safety Unit Cleveland; telephone 216–937–0124, email *william.j.fitzgerald@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the Safety Zones; Annual Events in the Captain of the Port Buffalo Zone listed in 33 CFR 165.939, Table 165.939, entry (a)(1), in Vermillion, OH, on all U.S. waters within a 420 foot radius of the fireworks launch site located at position 41°25′45″ N and 082°21′54″ W, (NAD 83) for the Festival of the Fish.

Pursuant to 33 CFR 165.23, entry into, transiting, or anchoring within the safety zone during an enforcement period is prohibited unless authorized by the Captain of the Port Buffalo or a designated representative. Those seeking permission to enter the safety zone may request permission from the Captain of Port Buffalo via channel 16, VHF–FM. Vessels and persons granted permission to enter the safety zone shall obey the directions of the Captain of the Port Buffalo or a designated representative. While within a safety zone, all vessels shall operate at the minimum speed necessary to maintain a safe course.

This notification of enforcement is issued under authority of 33 CFR 165.939 and 5 U.S.C. 552(a). In addition to this notification of enforcement in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of this enforcement period via Broadcast Notice to Mariners or Local Notice to Mariners. If the Captain of the Port Buffalo determines that the safety zone need not be enforced for the full duration stated in this notification she may use a Broadcast Notice to Mariners to grant general permission to enter the respective safety zone.

Lexia M. Littlejohn,

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

[FR Doc. 2021–12840 Filed 6–16–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2021–0383]

RIN 1625–AA00

Safety Zone; M/V ZHEN HUA 26 Transit; Everport Container Terminal, San Pedro, California

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

ACTION: Temporary final rule.

SUMMARY: The U.S. Coast Guard is establishing a temporary moving safety zone around the M/V ZHEN HUA 26 while it transits through the navigation channel during its transit to Everport Container Terminal, Berth 227, in San Pedro, California. This safety zone is necessary to protect personnel, vessels, and the marine environment from hazards associated with the arms of three ship-to-shore gantry cranes which will extend more than 200 feet out from the transiting vessel when the arms are lowered, and from the vessel's stability condition due to an air draft greater than 300 feet when the cranes are in the up position. Unauthorized persons or vessels are prohibited from entering into, transiting through, or remaining in the safety zone without permission of the Captain of the Port Los Angeles-Long Beach or a designated representative.

DATES: This rule is effective without actual notice from June 17, 2021, through 11:59 p.m. on June 21, 2021. For the purposes of enforcement, actual notice will be from 12:01 a.m. on June 11, 2021, until June 17, 2021.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2021–0383 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions about this rulemaking, call or email LCDR Maria Wiener, U.S. Coast Guard Sector Los Angeles-Long Beach; telephone (310) 357–1603, email *maria.c.wiener@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
Pub. L. Public Law
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking with respect to this rule because it is impracticable. The Coast Guard received notification and details of the transit on May 15, 2021, and therefore lacks sufficient time to provide a reasonable comment period and respond to comments.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. It is contrary to the public interest to delay the effective date of this rule because the safety zone must be effective by June 11, 2021 to protect vessels and persons during the upcoming transit.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port Los Angeles-Long Beach has determined that potential hazards associated with the transit of the M/V ZHEN HUA 26 between June 11, 2021 through June 21, 2021, will be a safety concern for anyone within a 500-foot radius of the vessel during its transit to Everport Container Terminal, Berth 227, while the vessel is within the Port of Los Angeles-Long Beach and the waters inside the Federal breakwaters bounding San Pedro Bay or on the waters within three nautical miles seaward of the Federal breakwaters, respectively. The effect of the safety zone is to restrict navigation in the vicinity of the M/V ZHEN HUA 26. For this reason, a safety zone is needed to protect personnel, vessels, and the marine environment in the navigable waters around the M/V ZHEN HUA 26 during its transit to Berth 227 at the Everport Container Terminal in San Pedro, CA.

IV. Discussion of the Rule

This rule establishes a temporary safety zone from 12:01 a.m. on June 11, 2021 through 11:59 p.m. on June 21, 2021 during the transit of the M/V ZEN HUA 26. While the M/V ZHEN HUA 26 is within the Port of Los Angeles-Long Beach and the waters inside the Federal breakwaters bounding San Pedro Bay or on the waters within three nautical miles seaward of the Federal breakwaters, respectively, the safety zone will encompass the navigable waters around and under the vessel, form surface to bottom, within a circle formed by connecting all points 500 feet out from the vessel. The safety zone is needed to protect personnel, mariners, and vessels from hazards associated with ship-to shore gantry crane arms which will extend more than 200 feet out from the transiting vessel.

Vessel traffic will be able to safely transit around the M/V ZHEN HUA 26 and the safety zone. Moreover, the Coast Guard will issue Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone, and the rule allows vessels to seek permission to enter the zone.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13771 directs agencies to control regulatory costs through a budgeting process. This rule has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB), and pursuant to OMB guidance it is exempt from the requirements of Executive Order 13771.

This regulatory action determination is based on the limited duration and narrowly tailored geographic area of the safety zone. This safety zone impacts a 500-foot-radius area of the Port of Los Angeles-Long Beach and the waters inside the Federal breakwaters bounding San Pedro Bay or on the waters within three nautical miles seaward of the Federal breakwaters, respectively for a limited duration. While the safety zone encompasses a eleven-day period to account for uncertain transit delays of the M/V ZHEN HUA 26, the safety zone will only be enforced for the duration of the vessel's inbound transit, which is expected to last less than 24 hours, and that period will be announced via Broadcast Notice to Mariners. Vessels desiring to transit through the safety zone may do so upon express permission from the COTP or the COTP's designated representative.

B. Impact on Small Entities

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

While some owners or operators of vessels intending to transit the safety zone may be small entities, for the reasons stated in section V.A above, this rule will not have a significant economic impact on any vessel owner or operator. Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments on the actions of Federal employees

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under E.O. 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in E.O. 13132.

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

E. Unfunded Mandates Reform Act

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

F. Environment

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

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T11–056 to read as follows:

§ 165.T11–056 Safety Zone; Los Angeles Ship-to-Shore Crane Arrival, Los Angeles-Long Beach, CA.

(a) *Location.* The following area is a safety zone: all navigable waters of the port of Los Angeles-Long Beach, from surface to bottom, within a circle formed by connecting all points 500 feet out from the vessel, M/V ZHEN HUA 26, during the vessel's transit within the Port of Los Angeles-Long Beach and the waters inside the Federal breakwaters bounding San Pedro Bay or on the waters within three nautical miles seaward of the Federal breakwaters, respectively.

(b) *Definitions.* As used in this section, ''designated representative'' means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel or a Federal, State, or local officer designated by or assisting the Captain of the Port Los Angeles-Long Beach (COTP) in the enforcement of the safety zone.

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

(2) The safety zone is closed to all vessel traffic, except as may be permitted by the COTP or the COTP's designated representative.

(3) Vessel operators desiring to enter or operate within the safety zone must contact the COTP or the COTP's designated representative to obtain permission to do so. Vessel operators given permission to enter or operate in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative. Persons and vessels may request permission to enter the safety zone on VHF–23A or through the 24-hour Command Center at telephone (310) 521–3801.

(d) *Enforcement period.* This section will be enforced from 12:01 a.m. on June 11, 2021 through 11:59 p.m. on June 21, 2021, during the inbound and outbound transit of the M/V ZHEN HUA 26 or as announced via Broadcast Notice to Mariners.

(e) *Information broadcasts.* The COTP or the COTP's designated representative will notify the maritime community of periods during which this zone will be enforced, in accordance with § 165.7.

Dated: June 10, 2021.

R.E. Ore,

Captain, U.S. Coast Guard, Captain of the Port, Los Angeles Long Beach.

[FR Doc. 2021–12760 Filed 6–16–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2021–0376]

Safety Zones; Annual Events in the Captain of the Port Detroit Zone

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

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce various safety zones for annual marine events in the Captain of the Port Detroit zone. Enforcement of these zones is necessary and intended to protect safety of life and property on the navigable waters immediately prior to, during, and immediately after these fireworks events. During the aforementioned period, the Coast Guard will enforce restrictions upon, and control movement of, vessels in a specified area immediately prior to, during, and immediately after fireworks events. During each enforcement period, no person or vessel may enter the respective safety zone without permission of the Captain of the Port Detroit or his designated representative.

DATES: The regulations in 33 CFR 165.941, Table 1, will be enforced for the safety zones identified in the **SUPPLEMENTARY INFORMATION** section below for the dates and times specified.

FOR FURTHER INFORMATION CONTACT: If you have questions on this document, call or email Tracy Girard, Prevention Department, telephone (313) 568–9564, email *Tracy.M.Girard@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zones listed in 33 CFR 165.941, Table 1, Safety Zones; Annual Events in the Captain of the Port Detroit Zone, at the following dates and times for the following events:

(1) *Bay-Rama Fish Fly Festival Fireworks, New Baltimore, MI.* The safety zone listed in § 165.941, Table 1(3), will be enforced from 10 p.m. to 10:30 p.m. on June 24, 2021. In the case of inclement weather on June 24, 2021, this safety zone will be enforced from 10 p.m. to 10:30 p.m. on June 25, 2021.

(2) *Algonac Fireworks Festival, Algonac, MI.* The safety zone listed in § 165.941, Table 1(7), will be enforced from 10 p.m. to 10:30 p.m. on July 3, 2021. In the case of inclement weather on July 3, 2021, this safety zone will be enforced from 10 p.m. to 13:30 p.m. on July 2, 2021.

(3) *Bay City Fireworks Festival, Bay City, MI.* The safety zone listed in § 165.941, Table 1(8), will be enforced from 9 p.m. to 11 p.m. on July 1, July 2, and July 3, 2021. In the case of inclement weather on any scheduled day, this safety zone will be enforced from 9 p.m. to 11 p.m. on July 4, 2021.

(4) *Caseville Fireworks, Caseville, MI.* The safety zone listed in § 165.941, Table 1(9), will be enforced from 10 p.m. to 11 p.m. on July 3, 2021. In the case of inclement weather on July 3, 2021, this safety zone will be enforced from 10 p.m. to 11 p.m. on July 5, 2021.

(5) *Ecorse Fireworks, Ecorse, MI.* The safety zone listed in the § 165.941, Table 1(10), will be enforced from 9:30 p.m. to 10:30 p.m. on July 10, 2021. In the case of inclement weather on July 10, 2021, this safety zone will be enforced from 9:30 p.m. to 10:30 p.m. on July 11, 2021.

(6) *Grosse Ile Fireworks, Grosse Ile, MI.* The safety zone listed in the § 165.941 Table 1(11), will be enforced from 10 p.m. to 10:30 p.m. on July 3, 2021. In the case of inclement weather on July 3, 2021, this safety zone will be enforced from 10 p.m. to 10:30 p.m. on July 4, 2021.

(7) *Grosse Pointe Yacht Fireworks, Grosse Pointe Shores, MI.* The safety zone listed in § 165.941, Table 1(13), will be enforced from 10 p.m. to 10:30 p.m. on July 4, 2021. In the case of inclement weather on July 4, 2021, this safety zone will be enforced from 10 p.m. to 10:30 p.m. on July 5, 2021.

(8) *Harbor Beach Fireworks, Harbor Beach, MI.* The safety zone listed in § 165.941, Table 1(14), will be enforced from 10 p.m. to 10:30 p.m. on July 10, 2021. In the case of inclement weather on July 10, 2021, this safety zone will be enforced from 10 p.m. to 10:30 p.m. on July 11, 2021.

(9) *Belle Maer Harbor Fireworks, Harrisville, MI.* The safety zone listed in § 165.941, Table 1(15), will be enforced from 10 p.m. to 10:30 p.m. on July 4, 2021. In the case of inclement weather on July 4, 2021, this safety zone will be enforced from 10 p.m. to 10:30 p.m. on July 5, 2021.

(10) *Harrisville Fireworks, Harrisville, MI.* The safety zone listed in § 165.941, Table 1(16), will be enforced from 10 p.m. to 10:30 p.m. on July 3, 2021.

(11) *Lexington Fireworks, Lexington, MI.* The safety zone listed in § 165.941, Table 1(17), will be enforced from 10 p.m. to 10:30 p.m. on July 2, 2021. In the case of inclement weather on July 2, 2021, this safety zone will be enforced from 10 p.m. to 10:30 p.m. on July 3, 2021.

(12) *Oscoda Township Fireworks, Oscoda, MI.* The safety zone listed in § 165.941, Table 1(18), will be enforced from 10 p.m. to 10:30 p.m. on July 4, 2021. In the case of inclement weather on July 4, 2021, this safety zone will be enforced from 10 p.m. to 10:30 p.m. on July 5, 2021.

(13) *Port Austin Fireworks, Port Austin, MI.* The safety zone listed in § 165.941, Table 1(19), will be enforced from 10 p.m. to 10:30 p.m. on July 4, 2021. In the case of inclement weather on July 4, 2021, this safety zone will be enforced from 10 p.m. to 10:30 p.m. on July 5, 2021.

(14) *Port Sanilac Fireworks, Port Sanilac, MI.* The safety zone listed in § 165.941, Table 1(20), will be enforced from 10 p.m. to 10:30 p.m. on July 3, 2021. In the case of inclement weather on July 3, 2021, this safety zone will be enforced from 10 p.m. to 10:30 p.m. on July 4, 2021.

(15) *St. Clair Fireworks, St. Clair, MI.* The safety zone listed in § 165.941, Table 1(21), will be enforced from 10 p.m. to 10:45 p.m. on July 4, 2021. In the case of inclement weather on July 4, 2021, this safety zone will be enforced from 10 p.m. to 10:45 p.m. on July 5, 2021.

(16) *St. Clair Shores Fireworks, St. Clair Shores, MI.* The safety zone listed in § 165.941, Table 1(22), will be enforced from 9:30 p.m. to 10:15 p.m. on June 25, 2021. In the case of inclement weather on June 25, 2021, this safety zone will be enforced from 9:30 p.m. to 10:15 p.m. on June 26, 2021.

(17) *Tawas Fireworks, Tawas, MI.* The safety zone listed in § 165.941, Table 1(23), will be enforced from 10 p.m. to 11 p.m. on July 4, 2021. In the case of inclement weather on July 4, 2021, this safety zone will be enforced from 10 p.m. to 11 p.m. on July 5, 2021.

(18) *Port Huron Blue Water Festival Fireworks, Port Huron, MI.* The safety zone listed in § 165.941, Table 1(27), will be enforced from 10 p.m. to 11 p.m. on July 22, 2021. In the case of inclement weather on July 22 2021, this safety zone will be enforced from 10 p.m. to 11 p.m. on July 23, 2021.

(19) *Marine City Maritime Days Fireworks, Marine City, MI.* The safety zone listed in § 165.941, Table 1(33), will be enforced from 10 p.m. to 11 p.m. on August 6, 2021. In the case of inclement weather on August 6, 2021, this safety zone will be enforced from 10 p.m. to 11 p.m. on August 7, 2021.

(20) *Washington Township Summerfest Fireworks, Toledo, OH.* The safety zone listed in § 165.941, Table 1(35), will be enforced from 9:30 p.m. until 10:30 p.m. on June 26, 2021.

(21) *Toledo Country Club 4th of July Fireworks, Toledo, OH.* The safety zone listed in § 165.941, Table 1(39), will be enforced from 9:30 p.m. until 10:30 p.m. on July 2, 2021.

(22) *Lakeside July 4th Fireworks, Lakeside, OH.* The safety zone listed in § 165.941, Table 1(40), will be enforced from 9:15 p.m. until 10:15 p.m. on July 4, 2021. In case of inclement weather on July 4, 2021. This safety zone will be enforced on July 5, 2021.

Under the provisions of 33 CFR 165.23, entry into, transiting, or anchoring within these safety zones during the enforcement period is prohibited unless authorized by the Captain of the Port Detroit or his designated representative. Vessels that wish to transit through the safety zones may request permission from the Captain of the Port Detroit or his designated representative. Requests must be made in advance and approved by the Captain of Port Detroit before transits will be authorized. Approvals will be granted on a case by case basis. The Captain of the Port Detroit may be contacted via U.S. Coast Guard Sector Detroit on channel 16, VHF–FM or by calling (313) 568–9564. The Coast Guard will give notice to the public via Local Notice to Mariners and VHF radio broadcasts that the regulation is in effect.

This document is issued under authority of 33 CFR 165.941, Table 1, and 5 U.S.C. 552(a). If the Captain of the Port Detroit determines that any of these safety zones need not be enforced for the full duration stated in this document, he may suspend such enforcement and notify the public of the suspension via a Broadcast Notice to Mariners.

Dated: June 14, 2021.

Brad W. Kelly,

Commander, U.S. Coast Guard, Captain of the Port Detroit.

[FR Doc. 2021–12839 Filed 6–16–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2021–0419]

RIN 1625–AA00

Safety Zone; Charlevoix Venetian Festival Air Show, Lake Charlevoix, MI, Sector Sault Ste. Marie Captain of the Port Zone

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone in the Sault Ste. Marie Captain of the Port zone. This safety zone is intended to restrict vessels from certain portions of Lake Charlevoix, MI during air show activities. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by the air show. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Sault Ste. Marie.

DATES: This rule is effective from 9:45 p.m. on July 23, 2021 through 10 p.m. on July 23, 2021.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2021–0419 in the ''SEARCH'' box and click ''SEARCH.'' Next, in the Document Type column, select ''Supporting & Related Material.''

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email LT Deaven Palenzuela, Sector Sault Ste. Marie Waterways Management Division, U.S. Coast Guard; telephone 906–635–3223, email *ssmprevention@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because doing so would be impracticable and contrary to the public interest. The Coast Guard received the safety zone request on June 7, 2021. The Coast Guard did not receive the final details of the requested safety zone with sufficient time for a comment period to run before the start of the air show. Delaying this rule to wait for a notice and comment period to run would be impracticable and contrary to the public interest because it would inhibit the Coast Guard's ability to protect the public from the potential hazards associated with the air show.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. For the same reasons as discussed in the preceding paragraph, a 30 day notice period would be impracticable and contrary to the public interest. It is impracticable to publish an NPRM because we must establish this safety zone by 9:45 p.m. on July 23, 2021 to protect the public from the hazards associated with the air show.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Federal Aviation Administration regulates air shows. This action is only for the safety zone. The Captain of the Port Sault Ste. Marie (COTP) has determined that potential hazards associated with the air show (*i.e.* noise levels and possible crashing of the aircraft(s)) will be a safety concern for anyone within Lake Charlevoix waters encompassed by a line connecting the following points beginning at 45°19′16″ N, 085°14′22″ W; thence to 45°19′11″ N, 085°13′49″ W; thence to 45°18′39″ N, 085°13′59″ W; thence to 45°18′45″ N, 085°14′33″ W; and back to the beginning point. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone during the air show.

IV. Discussion of the Rule

This rule is necessary to ensure the safety of vessels during the aforementioned air show. The temporary safety zone will encompass all U.S. navigable waters of Lake Charlevoix bounded by a line drawn from 45°19′16″ N, 085°14′22″ W; thence to 45°19′11″ N, 085°13′49″ W; thence to 45°18′39″ N, 085°13′59″ W; thence to 45°18′45″ N, 085°14′33″ W; and back to the beginning point of origin. The safety zone will be enforced from 9:45 p.m. to 10 p.m. on July 23, 2021. Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port, Sault Sainte Marie, or a designated on-scene representative. The Captain of the Port or a designated on-scene representative may be contacted via VHF Channel 16 or telephone at 906–635–3233.

V. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses

based on a number of these statutes and Executive orders, and we discuss First Amendment rights of protestors.

A. Regulatory Planning and Review

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

This regulatory action determination is based on the conclusion that this rule is not a significant regulatory action because we anticipate that will have minimal impact on the economy, will not interfere with other agencies, will not adversely alter the budget of any grant or loan recipients, and will not raise any novel legal or policy issues. The safety zone created by this rule is confined to area encompassing air show area over water and will be enforced only for the duration of the air show. Under certain conditions, moreover, vessels may still transit through the safety zones when permitted by the Captain of the Port.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves establishment of a safety zone lasting less than 15 minutes during the air show activities. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T09–0419 to read as follows:

§ 165.T09–0419 Safety Zone; Charlevoix Venetian Festival Air Show, Lake Charlevoix, Michigan.

(a) *Location.* The following areas are temporary safety zones: All U.S. navigable waters of Lake Charlevoix bounded by a line drawn from 45°19′16″ N, 085°14′22″ W; thence to 45°19′11″ N, 085°13′49″ W; thence to 45°18′39″ N,

085°13′59″ W; thence to 45°18′45″ N, 085°14′33″ W; and back to the beginning point of origin.

(b) *Enforcement period.* This section will be enforced from 9:45 p.m. through 10 p.m. on July 23, 2021. The section will be enforced during additional times while in effect with actual notice as-needed to mitigate risks associated with the air show.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23, entry into, transiting, or anchoring within these safety zones are prohibited unless authorized by the Captain of the Port, Sault Sainte. Marie or his on-scene representative.

(2) This safety zone is closed to all vessel traffic, except as may be permitted by the Captain of the Port, Sault Sainte Marie or his on-scene representative.

(3) The ''on-scene representative'' of the Captain of the Port, Sault Sainte Marie is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port, Sault Sainte Marie to act on his or her behalf. The on-scene representative of the Captain of the Port, Sault Sainte Marie will be aboard a Coast Guard vessel.

(4) Vessel operators desiring to enter or operate within the safety zone shall contact the Captain of the Port, Sault Sainte Marie, or his on-scene representative to obtain permission to do so. The Captain of the Port, Sault Sainte Marie or his on-scene representative may be contacted via VHF Channel 16 or telephone at 906–635–3233. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the Captain of the Port, Sault Sainte Marie or his on-scene representative.

Dated: June 11, 2021.

A.R. Jones,

Captain, U.S. Coast Guard, Captain of the Port Sault Sainte Marie.

[FR Doc. 2021–12729 Filed 6–16–21; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 147

[EPA–HQ–OW–2020–0595; FRL 10023–18–OW]

RIN 2040–ZA35

State of Michigan Underground Injection Control (UIC) Class II Program; Primacy Approval

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of direct final rule.

SUMMARY: Because the U.S. Environmental Protection Agency (EPA) received adverse comments, the agency is withdrawing the direct final rule for State of Michigan Underground Injection Control (UIC) Class II Program; Primacy Approval, published on March 19, 2021.

DATES: As of June 17, 2021, EPA withdraws the direct final rule published at 86 FR 14846, on March 19, 2021.

FOR FURTHER INFORMATION CONTACT: Kyle Carey, Drinking Water Protection Division, Office of Ground Water and Drinking Water (4606M), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564–2322; fax number: (202) 564–3754; email address: *carey.kyle@epa.gov,* or Anna Miller, UIC Section, U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, IL 60604; telephone number: (312) 886–7060; email address: *miller.anna@epa.gov.*

SUPPLEMENTARY INFORMATION: Because the U.S. Environmental Protection Agency (EPA) received adverse comment, the agency is withdrawing the direct final rule for State of Michigan Underground Injection Control (UIC) Class II Program; Primacy Approval, published on March 19, 2021. EPA stated in that direct final rule that if the agency received adverse comments by April 19, 2021, the direct final rule would not take effect and we would publish a timely withdrawal in the **Federal Register**. EPA subsequently received adverse comments on that direct final rule. EPA will address those comments in any subsequent final action, which will be based on the parallel proposed rule also published on March 19, 2021. As stated in the direct final rule and the parallel proposed rule, EPA will not institute a second comment period on this action.

Michael S. Regan,

Administrator.

PART 147—STATE, TRIBAL, AND EPA-ADMINISTERED UNDERGROUND INJECTION CONTROL PROGRAMS

■ Accordingly, the rule amending 40 CFR part 147, which published on March 19, 2021 (86 FR 14846), is withdrawn as of June 17, 2021.

[FR Doc. 2021–12918 Filed 6–16–21; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 20–299; FCC 21–42; FR ID 26887]

Sponsorship Identification Requirements for Foreign Government-Provided Programming

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission (Commission) modifies its rules to adopt specific disclosure requirements for broadcast programming that is sponsored, paid for, or provided by a foreign government or its representative pursuant to leasing agreements.

DATES: Effective July 19, 2021. Compliance with § 73.1212(j) and (k) will not be required until the Commission publishes a document in the **Federal Register** announcing the compliance date.

FOR FURTHER INFORMATION CONTACT: Radhika Karmarkar, Media Bureau, Industry Analysis Division, *Radhika.Karmarkar@fcc.gov,* (202) 418–1523.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order* (Order), FCC 21–42, in MB Docket No. 20–299, adopted on April 22, 2021, and released on April 22, 2021. The complete text of this document is available electronically via the search function on the FCC's Electronic Document Management System (EDOCS) web page at *https://apps.fcc.gov/edocs_public/* (*https://apps.fcc.gov/edocs_public/*). To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* (mail to: *fcc504@fcc.gov*) or call the FCC's

Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Synopsis

1. *Introduction:* For over 60 years, the Commission's sponsorship identification rules have required that disclosures be made on-air when a station has been compensated for broadcasting particular material. Reports regarding foreign governmental entities' increased use of leasing agreements to broadcast programming without disclosing the source thereof, however, persuade us that more is required to ensure transparency on the airwaves. By this Order, the Commission seeks to address circumstances in which a foreign governmental entity, pursuant to a lease of airtime, is responsible for programming, in whole or in part, on a U.S. broadcast station. In this Order, the use of the term ''foreign government-provided programming'' refers to all programming that is provided by an entity or individual that falls into one of the four categories discussed below. In turn, the phrase ''provided by'' when used in relation to ''foreign government programming'' covers both the broadcast of programming in exchange for consideration and furnishing of any ''political program or any program involving the discussion of a controversial issue'' for free as an inducement to broadcast the programming. Although under U.S. law foreign governments and their representatives are restricted from holding a broadcast license directly, there is no limitation on their ability to enter into a contract with the licensee of a station to air programming of its choosing or to lease the entire capacity of a radio or television station. Nor does the Commission prohibit such arrangements going forward. Rather, in such instances, the rules the Commission adopts in this document will require that the programming aired pursuant to such an agreement contain a clear, standardized disclosure statement indicating to the listener or viewer that the material has been sponsored, paid for, or furnished by a foreign governmental entity and clearly indicate the foreign country involved.

2. The foreign sponsorship identification rules the Commission adopts in this Order seek to eliminate any potential ambiguity to the viewer or listener regarding the source of programming provided from foreign governmental entities. Based upon comments received in response to the notice of proposed rulemaking (*NPRM*), 85 FR 74955, Nov. 24, 2020, and as detailed further below, the Commission amends § 73.1212 of the Commission's rules to require a specific disclosure at the time of broadcast if material aired pursuant to the lease of time on the station has been sponsored, paid for, or furnished by a foreign governmental entity that indicates the specific entity and country involved. In so doing, the Commission will increase transparency and ensure that audiences of broadcast stations are aware when a foreign government, or its representatives, are seeking to persuade the American public. Through the public filing requirements associated with disclosures, the Commission will also enable interested parties to monitor the extent of such efforts to persuade the American public.

3. The new rules seek to address the primary means identified in the record by which foreign governmental entities are accessing U.S. airwaves to persuade the American public without adequate disclosure of the true sponsor, namely the lease of time to air programming on a U.S. licensed broadcast station. In focusing its disclosure requirement on such situations, the Commission seeks to address an important issue of public concern while going no further than necessary, thus balancing considerations of the First Amendment with the need for consumers to be sufficiently informed as to the origin of material broadcast on stations licensed on their behalf in the public interest. Further, the Commission's approach incorporates existing provisions of and definitions contained in the Foreign Agents Registration Act (FARA) (22 U.S.C. 611) and the Communications Act of 1934, as amended, so as to minimize the burden on broadcasters as they determine whether the programming is from a foreign governmental entity. In addition, the Commission discusses the steps that broadcasters must take to satisfy the statutory ''reasonable diligence'' standard in determining whether a foreign governmental entity is the source of programming provided over their stations.

4. In this manner, the Commission refines its rules to further ensure that the public is fully informed on the source of programming consumed. The Commission finds it is critical that the American public be aware when a foreign government has sponsored, paid for, or, in the case of political programs or programs involving the discussion of a controversial issue, furnished the programming for free as an inducement to air the material, particularly given what seems to be an increase in the dissemination of programming in the United States by foreign governments and their representatives.

5. *Background:* The principle that the public has a right to know the identity of those that solicit their support is a fundamental and long-standing tenet of broadcasting. Congress and the Commission have sought to ensure that the public is informed when airtime has been purchased in an effort to persuade audiences, finding it essential to ensure that audiences can distinguish between paid content and material chosen by the broadcaster itself. Accordingly, beginning with the Radio Act of 1927, broadcast stations have been required to announce the name of any ''person, firm, company, or corporation'' that has paid ''valuable consideration'' either ''directly or indirectly'' to the station at the time of broadcasting any programming for which such consideration has been given. With the creation of the Federal Communications Commission and the adoption of the Communications Act of 1934 (the Act), this disclosure requirement was incorporated almost verbatim into section 317 of the Act. Over the years, various amendments to the rules, decisions by the Commission, and a 1960 amendment to section 317 of the Act have continued to underscore the need for transparency and disclosure to the public about the true identity of a program's sponsor.

6. The Commission last implemented a major change to its sponsorship identification rules in 1963 when it adopted rules implementing Congress's 1960 amendments to the Act. The *NPRM* contained a thorough history of the background of the Commission's sponsorship identification rules. The sponsorship identification rules largely tracked the provisions of section 317 of the Act and make up the current § 73.1212 of the Commission's rules. As the *NPRM* noted, however, even with these rules in place there appear to be instances where foreign governments pay for the airing of programming, or provide it to broadcast stations free of charge, and the programming does not contain a clear indication, if any indication at all, to the listener or viewer that a foreign government has paid for or provided the programming's content. Given the passage of nearly 60 years since the sponsorship identification rules were last updated and growing concerns about foreign government-provided programming, the Commission determined last year that there was a further need to review the sponsorship identification rules to ensure that, consistent with its statutory mandate, foreign government program

sponsorship over the airwaves is evident to the American public.

7. Significantly, the Commission's current sponsorship identification rules do not require a station to determine or disclose whether the source of its programming is in fact a foreign government, registered foreign agent, or foreign political party (what the Commission refers to as a foreign governmental entity). As the *NPRM* notes, in many instances a foreign government, foreign agent, or foreign political party providing programming to licensees may not be immediately identifiable as such. In other instances, the linkage between the foreign governmental entity and the entity providing the programming may be deliberately attenuated in an effort to obfuscate the true source of the programming. Although current rules require the disclosure of the sponsor's name, the relationship of that sponsor to a foreign country is not required as part of the current disclosure.

8. Consequently, to ensure that the American public can better assess the programming that is delivered over the airwaves, the Commission found that there is a need to identify instances where foreign governmental entities are involved in the provision of broadcast programming. To that end, the *NPRM* proposed to adopt specific disclosure requirements for broadcast programming to inform the public when programming has been paid for, or provided by, a foreign governmental entity and to identify the country involved. Specifically, the *NPRM* proposed that when a foreign governmental entity has paid a radio or television station, directly or indirectly, to air material, or if the programming was provided to the station free of charge by such an entity as an inducement to broadcast the material, the station, at the time of the broadcast, shall include a specified disclosure indicating the name of the foreign governmental entity, as well as the related country.

9. In defining ''foreign governmental entity,'' the *NPRM* relied directly on parts of the FARA statute (specifically the definitions of a ''government of a foreign country,'' ''foreign political party,'' and ''agents of foreign principals''), which covers entities and individuals whose activities the United States Department of Justice (Department of Justice or DOJ) has identified as requiring disclosure because their activities are potentially intended to influence American public opinion, policy, and law. In addition, the *NPRM* proposed to include ''United States-based foreign media outlets,'' as defined by the Communications Act. Under the proposal, any programming provided by a ''foreign governmental entity'' would be considered a ''political program'' under section 317(a)(2) of the Act, and thus require identification of the sponsor of particular broadcast programing, even if the only inducement to air the programming was the provision of the programming itself. The *NPRM* further explored the ''reasonable diligence'' standard that broadcasters must employ pursuant to their statutory (47 U.S.C. 317 (c)) and regulatory (47 CFR 73.1212(b) and (e)) requirements to determine whether its programming was provided by a foreign governmental entity.

10. The *NPRM* proposed that the disclosure requirements should apply in the context of time brokerage agreements (TBAs) and local marketing agreements (LMAs). Moreover, the *NPRM* proposed to apply the new rules to entities authorized pursuant to section 325(c) to produce programing in the United States and transmit it to a non-U.S. licensed station in a foreign country for broadcast back into the United States. Also, the *NPRM* proposed that the disclosure requirements would apply equally to any programming transmitted on a radio or television stations' multicast streams. Finally, in addition to specifying the characteristics of the proposed disclosures on television and radio, the *NPRM* proposed that stations place a copy of the announcement in their online public inspection file (OPIF).

11. A total of seven commenters filed comments and reply comments in response to the *NPRM.* The commenters generally support the Commission's goal of identifying foreign sponsorship of programming. Commenters assert, however, that the Commission must address how current regulations are inadequate before adopting new rules, and several commenters suggest ways to narrow the proposed scope of the rules to more directly address the programming that is of most concern, as discussed further below.

12. *Discussion:* For the reasons discussed below, the Commission adopts the rules proposed in the *NPRM* with modifications to address more precisely the primary method by which foreign governmental entities appear to be gaining carriage for their programming on U.S.-licensed broadcast stations without disclosing the origin of such programming, namely through leasing agreements with such stations. By narrowly focusing its requirements, the Commission seeks to minimize the burden of compliance on licensees, including those public television and radio stations that carry programming from entities that depend upon tax credits, access to international locations, and historical or archival footage from foreign governmental sources in producing their programming. The Commission further notes that such tailoring is in keeping with the First Amendment by focusing its rules narrowly on the area of potential harm.

13. Specifically, as discussed below, the new rules require foreign sponsorship identification for programming content aired on a station pursuant to a lease of airtime if the direct or indirect provider of the programming qualifies as a ''foreign governmental entity.'' In the first section below, the Commission analyzes which entities or individuals meet that definition and find that they include governments of foreign countries, foreign political parties, certain agents of foreign principals, and U.S.-based foreign media outlets. Next, the Commission discusses the scope of the foreign sponsorship identification rules, explaining why and how the Commission narrows the scope of the *NPRM*'s proposed requirements to focus on programming aired on U.S. broadcast stations pursuant to an agreement for the lease of time. The Commission then discusses the scope of the reasonable diligence obligation that broadcast licensees must satisfy to determine if its lessee is a foreign governmental entity such that disclosures are necessary. Next, the Commission discusses the content and frequency requirements for the mandated disclosures that will ensure the identification of foreign government-provided programming is conveyed effectively to the public. As the Commission makes clear in that section, the rules also require quarterly filings of copies of the disclosures, as well as the name of the program to which any disclosures are appended, in stations' OPIF. Then, the Commission concludes that its foreign sponsorship identification rules apply equally to any programming broadcast pursuant to a section 325(c) permit. Finally, the Commission concludes that its foreign sponsorship identification rules satisfy the First Amendment and provide a cost-benefit analysis of those new rules.

14. *Entities or Individuals Whose Involvement in the Provision of Programming Triggers a Disclosure.* The Commission requires that programming aired on a station pursuant to a lease of airtime have a foreign sponsorship identification if the entity who has directly or indirectly provided the programming qualifies as a foreign governmental entity as defined herein. Specifically, a ''foreign governmental

entity'' is defined as an entity included in one of the following categories:

(1) A ''government of a foreign country'' as defined by FARA (22 U.S.C. 611(e));

(2) A ''foreign political party'' as defined by FARA (22 U.S.C. 611(f));

(3) An individual or entity registered as an ''agent of a foreign principal,'' under section 611(c) of FARA (22 U.S.C. 611(c)), whose ''foreign principal'' is a ''government of a foreign country,'' a ''foreign political party,'' or is directly or indirectly operated, supervised, directed, owned, controlled, financed, or subsidized by a ''government of a foreign country'' or by a ''foreign political party'' as defined by FARA, and that is acting in its capacity as an agent of such ''foreign principal;''

(4) An entity meeting the definition of a ''U.S.-based foreign media outlet'' pursuant to section 722 of the Act that has filed a report with the Commission (47 U.S.C. 624).

The adopted definition is largely consistent with the definition proposed in the *NPRM* except for the exclusion of foreign missions for the reasons discussed below.

15. As discussed in the *NPRM,* in establishing these categories to define covered foreign governmental entities that will trigger the disclosure requirement, the Commission relies on existing definitions, statutes, or determinations by the U.S. Government as to when an entity or individual is a foreign government, a foreign political party, or acting in the United States as an agent on behalf of a foreign government or foreign political party. Relying on these sources allows us to draw on the substantial experience and authority in such matters that already exists within the Federal Government and avoids involving the Commission, or the broadcaster, in subjective determinations regarding who qualifies as a foreign governmental entity.

16. *FARA.* In particular, the Commission finds that reliance on both the definitions contained in FARA and the list of agents registered pursuant to that act is appropriate. As discussed in the *NRPM,* this long-standing statute was designed specifically to identify those foreign entities or individuals that Congress has determined should be known to the U.S. Government and the American public when they are seeking to influence American public opinion, policy, and laws. The Commission notes that no commenters object to the its proposed use of the definitions set forth in FARA or the list of foreign agents registered pursuant to that statute as the primary basis for its foreign sponsorship identification rules. Accordingly, the Commission finds that including ''government of a foreign country'' and ''foreign political party,'' as defined by FARA, within the group of entities and individuals that trigger its foreign sponsorship identification rules is appropriate given its primary goal of ensuring that foreign *government*-provided programming is properly disclosed to the public. Rather than seeking to craft its own definitions, the Commission finds it more appropriate to turn to a definition of ''foreign government'' and ''foreign political party'' contained in a pre-existing statute designed to promote transparency about foreign governmental activity in the United States. Similarly, including FARA-registered ''agents of foreign principals'' who are defined by their engagement in certain activities in the United States on behalf of foreign interests furthers the Commission's goal of increasing transparency when such agents may be seeking to persuade the audiences of broadcast stations.

17. The Commission notes that FARA generally requires an ''agent of foreign principal'' undertaking certain activities in the United States (such as, political activities or acting in the role of public relations counsel, publicity agent, or political consultant) on behalf of a foreign principal to register with the Department of Justice. Section 611(b)(1) of FARA states that the term ''foreign principal'' includes the ''government of a foreign country'' and a ''foreign political party'' (22 U.S.C. 611(b)(1)). For purposes of its foreign sponsorship identification rules, the Commission includes FARA agents whose foreign principal is either a ''government of a foreign country,'' a ''foreign political party,'' or is directly or indirectly operated, supervised, directed, owned, controlled, financed, or subsidized by a ''government of a foreign country'' or by a ''foreign political party'' as those terms are defined in sections 611(e) and (f) of FARA respectively (22 U.S.C. 611(e), (f)). As stated in the *NPRM,* to the extent that an agent of a foreign principal, whose ''foreign principal'' is either a ''government of a foreign country'' or a ''foreign political party'' is providing programming to U.S. broadcast stations in its capacity as an agent to that principal, it is reasonable that the public should be made aware of that fact. The Commission also clarifies, however, that the proposed disclosure is required not only when programming is provided by an ''agent of a foreign principal'' whose foreign principal is a government of a foreign country or a foreign political party, but also when the foreign principal is directly or indirectly operated, supervised, directed, owned, controlled, financed, or subsidized by a government of a foreign country or by a foreign political party. This clarification to the original proposal will ensure that the foreign sponsorship identification rules cannot be circumvented by the existence or creation of additional corporate and/or ownership layers between the entity acting as a foreign principal and the government of a foreign country or foreign political party. This information is readily ascertainable by those who examine the FARA database.

18. The Commission recognizes that a given entity may be registered as an agent for multiple ''foreign principals'' or for a ''foreign principal'' other than a ''government of a foreign country'' or a ''foreign political party.'' The Commission emphasizes, however, that its foreign sponsorship identification rules apply only when the FARA agent is acting in its capacity as a registered agent of a principal that is a ''government of a foreign country,'' a ''foreign political party,'' or is directly or indirectly operated, supervised, directed, owned, controlled, financed, or subsidized by a government of a foreign country or by a foreign political party.

19. *U.S.-Based Foreign Media Outlet.* In addition to drawing on FARA-based definitions and registrations and consistent with the *NPRM,* the Commission concludes that its foreign governmental entity definition should also extend to any entity or individual subject to section 722 of the Act that has filed a report with the Commission. Section 722 extends to any U.S.-based foreign media outlet that: (a) Produces or distributes video programming that is transmitted, or intended for transmission, by a multichannel video programming distributor (MVPD) to consumers in the United States and (b) would be an agent of a ''foreign principal'' but for an exemption in FARA. The Commission notes that Section 722 provides that the term ''foreign principal'' has the meaning given such term in section 611(b)(1) of FARA, which limits the scope of the definition of ''foreign principal'' to ''a government of a foreign country'' and a ''foreign political party.'' The Commission incorporates this limitation from section 722 of the Act into its foreign sponsorship identification rules to include both a ''government of a foreign country'' and ''foreign political party,'' as those terms are defined by FARA, within its definition of ''foreign governmental entity.'' Although the

Commission could clarify—as the Commission has done with respect to foreign agents—that the disclosure requirement also applies when an outlet's foreign principal is directly or indirectly operated, supervised, directed, owned, controlled, financed, or subsidized by a government of a foreign country or by a foreign political party, the Commission notes that such a clarification would accomplish nothing as, pursuant to the National Defense Authorization Act (NDAA), only entities whose foreign principals are a government of a foreign country or a foreign political party are required to report as U.S.-based foreign media outlets.

20. The Commission recognizes that the term ''U.S.-based foreign media outlet'' refers to an entity whose programming is either transmitted or intended for transmission by an MVPD, rather than by a broadcaster. But the Commission notes that there is no prohibition on such video programming also being transmitted by a broadcast television station, and it seems likely that an entity that is providing video programming to cable operators or direct broadcast satellite television providers might also seek to air such programming on broadcast stations. Hence, the Commission believes it is appropriate to include ''U.S.-based foreign media outlets'' within the ambit of its proposal when the programming provided by such entities is aired by broadcast stations. No commenter opposed this proposal in response to the *NPRM.*

21. *Foreign Missions.* While the *NPRM* proposed to include ''foreign missions,'' as designated pursuant to the Foreign Missions Act, within the Commission's definition of foreign governmental entities that trigger foreign sponsorship identification, commenters have persuaded us otherwise. In particular, American Public Television Stations (APTS) and the Public Broadcasting Service (PBS) (referenced collectively herein as APTS) expressed concern with the potential difficulty of discerning whether an entity is considered a ''foreign mission'' under the Foreign Missions Act. APTS noted that there is no single source identifying all foreign missions analogous to those that exist for FARA registrants and U.S.-based foreign media outlets. The Commission agrees with commenters that the lack of a single source identifying all foreign missions creates an additional burden for licensees, as such entities cannot be as readily and consistently identified as FARA registrants and U.S.-based foreign media outlets.

22. In addition, the Commission notes that, as discussed in the *NPRM,* most ''foreign missions'' are foreign embassies and consular offices. The primary purpose of the Foreign Missions Act is to confer upon such missions certain benefits, privileges, and immunities, while also requiring their observance of corresponding obligations in accordance with international law and principles of reciprocity. Other types of non-entities that are substantially owned or effectively controlled by a foreign government are from time to time designated as ''foreign missions'' at the discretion of the Secretary of State. By comparison the FARA statute is *specifically* designed to identify those entities and individuals whose activities should be disclosed because their activities are potentially intended to influence American public opinion, policy, and law. Based on the concerns raised by APTS and its own further review of the intent behind the statute, the Commission finds reliance on the Foreign Missions Act to be inappropriate and unnecessary for its intended purpose.

23. *Other Potential Sources.* In addition, the Commission declines to adopt APTS's suggestion that the list of FARA registrants included in the definition of foreign governmental entities be filtered through the United States Treasury Department's Office of Foreign Assets Control (OFAC) list of active U.S. sanctions. APTS asserts that its proposal would narrow the list of entities who qualify as a ''foreign governmental entity'' by linking this definition to a list of carefully pre-determined countries whose interests are directly at odds with the United States. The Commission declines to adopt this proposal. First, doing so would seem to involve even more work for licensees, as it would require them to consult the OFAC list in addition to the FARA list. Second, and most importantly, the Commission finds the basis for compiling the OFAC list to be inconsistent with its purposes here. The Commission's goal in requiring additional disclosure by foreign governmental entities is not premised on distinctions between countries that may or may not be subject to the United States sanctions. Rather, the Commission seeks to provide the American public with greater transparency about programming provided by any foreign government, consistent with the requirements of section 317 of the Act. In this regard, the Commission finds that FARA, with its associated definitions and reporting requirements premised on promoting transparency with respect to foreign influence within the United States, is better aligned with the goals of the instant proceeding than the OFAC list. As the Department of Justice has explained when discussing FARA, the government's concern is not the content of the speech but providing transparency about the true identity of the speaker.

24. *Scope of Foreign Programming that Requires a Disclosure.* While the Commission tentatively concluded in the *NPRM* that its proposed foreign sponsorship disclosure rules should apply in any circumstances in which a foreign governmental entity directly or indirectly provides material for broadcast or furnishes material to a station free of charge (or at nominal cost) as an inducement to broadcast such material, the Commission now narrows its focus to address specifically those circumstances in which a foreign governmental entity is programming a U.S. broadcast station pursuant to the lease of airtime. That is, for the reasons discussed below, the Commission will require a specific disclosure at the time of broadcast if material aired pursuant to the lease of time on the station has been sponsored, paid for, or, in the case of political program or any program involving the discussion of a controversial issue, if it has been furnished for free as an inducement to air by a foreign governmental entity. While the Commission focuses in this Order on the identification of programming sponsored by foreign governmental entities aired through a lease of time, the Commission reiterates that its existing sponsorship identification rules, of course, continue to apply even outside the specific context described herein. As explained below, leasing agreements potentially subject to the rules include any arrangement in which a licensee makes a block of broadcast time on its station available to another party in return for some form of compensation.

25. *Programming Aired Pursuant to a Lease of Time.* Based on the record before us, the Commission agrees with National Public Radio and find that focusing on the airing of programming on U.S. broadcast stations pursuant to leasing agreements will address the primary present concern with foreign governmental actors gaining access to American airwaves without disclosing the programming's origin to the public. To date, it appears that the reported instances of undisclosed foreign government programming aired on broadcast stations have involved lease agreements between a licensee and

other entities. The record indicates that such contractual arrangements present the most prevalent instances of undisclosed foreign government programming to date. It also appears that it is through such arrangements that foreign governmental entities have commonly aired programming on U.S. broadcast stations, whether directly or indirectly, without necessarily disclosing the origin of the programming. Accordingly, the Commission believes that the foreign governmental source of this programming should be disclosed in such circumstances.

26. Moreover, the Commission's action will serve to ensure greater transparency to the public, and prevent foreign governments and their representatives, which are barred from owning a U.S. broadcast license, from leasing time on a station unbeknownst to the public or the Commission. Notably, Section 310(a) of the Act outright bars ''any foreign government or the representative thereof'' from holding a broadcast license. In addition, Section 310(b) limits the interest that a foreign corporation or individual can hold in a U.S. broadcast license, either directly or indirectly. While the Commission has revised its rules in recent years to permit a greater degree of ownership in U.S. broadcast stations by non-governmental foreign entities or individuals, acquisition of such interests requires Commission approval following proper consideration and public review and may also be subject to prior review and consideration by the relevant executive branch agencies. Despite these longstanding restrictions, and particularly the complete prohibition on a foreign government or its representatives' holding a U.S. broadcast license, some foreign governmental actors or their agents appear nonetheless to be programming stations that they otherwise would not be able to own, as detailed in the *NPRM.* When they do so, the American public and the Commission may not be aware that a foreign governmental entity has leased the time on the station and is programming the station.

27. As proposed in the *NPRM,* the disclosure requirements the Commission adopts in this document apply to leasing agreements, regardless of what those agreements are called, how they are styled, and whether they are reduced to writing. The Commission recognizes that leasing agreements within the broadcast industry may be known by different designations. The terms time brokerage agreement (TBA) and local marketing agreement (LMA) are used interchangeably to describe contractual arrangements whereby a party other than the licensee, *i.e.,* a brokering party, programs time on a broadcast station, oftentimes also selling the advertising during such time and retaining the proceeds. Such leasing agreements may be for either discrete blocks of time (for example, two hours every day from 4 p.m. to 6 p.m.) or for the complete broadcast capacity of the station (*i.e.,* 24 hours a day, seven days a week). The agreements can be for the duration of a single day or for a term of years. Regardless of the title, terms, or duration of such an agreement, the purpose of such a contractual agreement is to give one party—the brokering party or programmer—the right and obligation to program the station licensed to the other party—the licensee or broadcaster. In this manner, the programmer is able to program a radio or television station that it does not own or hold the license to operate. A ''time brokerage agreement,'' also known as a ''local marketing agreement'' or ''LMA,'' is the sale by a licensee of discrete blocks of time to a ''broker'' that supplies the programming to fill that time and sells the commercial spot announcements in it.

28. For the purposes of applying the foreign sponsorship disclosure requirement, a lease constitutes any agreement in which a licensee makes a discrete block of broadcast time on its station available to be programmed by another party in return for some form of compensation. Thus, a licensee makes broadcast time available for purposes of the rule any time the licensee permits the airing on its station of programming either provided, or selected, by the programmer in return for some form of compensation. In describing a lease of time, however, the Commission does not mean to suggest that traditional, short-form advertising time constitutes a lease of airtime for these purposes. The Commission notes that such advertisements, whether they appear in programming aired by the licensee or provided by a third-party programmer pursuant to a lease, remain subject to the Commission's existing sponsorship identification rules under § 73.1212(f) and must contain a clear indication of the sponsor of the advertisement. The Commission's action in this document is focused on agreements by which a third party controls and programs a discrete block of time on a broadcast station. Ultimately, the Commission believes that requiring a disclosure to inform the audience of the source of the programming whenever a foreign governmental entity provides programming to a station for broadcast pursuant to the lease of time is wholly consistent with sections 317(a)(1) and (2) of the Act.

29. The Commission finds that its focus on situations where there are leasing agreements between a station and a third party will narrow the application of the disclosure rules appropriately, and ensure that the new disclosure obligations do not extend to situations where there is no evidence of foreign government sponsored programming. For example, the record does not demonstrate that advertisements; archival, stock, or supplemental video footage; or preferential access to filming locations are a significant source of unidentified foreign sponsored programming. In addition, given limitations on the ability of noncommercial educational (NCE) stations to engage in leasing arrangements, the Commission expects that NCE stations will rarely, if ever, face the need to address the foreign sponsorship disclosure rules, largely assuaging the concerns of NCE commenters. Therefore, the Commission finds that limiting the application of its disclosure requirement to the context of leasing agreements obviates a number of issues and suggestions put forth by commenters concerned that the Commission would inadvertently sweep in additional programming that does not carry the same concerns with foreign influence as the unidentified lease of programming time.

30. *Programming Aired in Exchange for Consideration Under 317(a)(1) of the Act.* As discussed in the *NPRM,* section 317(a)(1) of the Act requires the licensee of a broadcast station to disclose at the time of broadcast if it has received any form of payment or consideration, either directly or indirectly in exchange for the broadcast of programming. While there is no minimum level of ''consideration'' required to trigger the disclosure requirement under this section, the statute does permit the exclusion of services or property furnished without charge or at nominal charge in certain circumstances. One notable exception to the exclusion, however, is the provision of certain material furnished free of charge or at nominal cost as an inducement to air the program and that is related to any political program or program involving the discussion of any controversial issue, as discussed further below. Thus, consistent with the statute and current sponsorship identification rules, the foreign sponsorship identification rules the Commission adopts in this document will be triggered if any money, service, or other valuable consideration is directly or indirectly paid or promised to, or

charged or accepted by a broadcast station in the context of a lease of broadcast time in exchange for the airing of material provided by a foreign governmental entity.

31. While the Commission expects that such consideration received by the station directly will be apparent from the terms and exercise of any lease agreement, as discussed below, the Commission notes that under section 507 of the Act, parties involved in the production, preparation, or supply of a program or program material that is intended to be aired on a broadcast station also have an obligation to disclose to their employer or to the party for whom the programming is being produced or to the station licensee, if they have accepted or agreed to accept, or paid or agreed to pay, any money or valuable consideration for inclusion of any program or material. Thus, as detailed further below, the Commission requires that licensees will exercise reasonable diligence to ascertain whether consideration has been provided in exchange for the lease of airtime or in exchange for the airing of materials directly or indirectly to the station, as well as whether anyone involved in the production, preparation, or supply of the material has received compensation, and that an appropriate disclosure will be made about the involvement of any foreign governmental entity. The Commission discusses what this obligation means for the licensee and lessee below.

32. *Programming Provided for Free as an Inducement to Air Under 317(a)(2).* In addition to the payment of monetary or other valuable consideration, section 317(a)(2) of the Act establishes that a sponsorship disclosure may also be required in some circumstances, even if the only ''consideration'' being offered to the station in exchange for the airing of the material is the programming itself. As stated above, the Commission believes that, as a practical matter, leasing agreements will involve the exchange of money or other valuable consideration from the programmer to the licensee. It is not typical for a station to enter into an agreement for the lease of airtime in exchange solely for the promise of free programming to be aired on the station. However, to account for such a circumstance, and consistent with the discussion in the *NPRM,* the Commission finds it is equally important that the foreign sponsorship identification rules apply in that instance, should such a circumstance arise. Section 317(a)(2) provides that a disclosure is required at the time of broadcast in the case of any ''political program or any program involving the discussion of a controversial issue'' if the program itself was furnished free of charge, or at nominal cost, as an inducement for its broadcast. The Commission has previously interpreted ''political program'' in the context of section 317(a)(2) to generally involve programming seeking to persuade or dissuade the American public on a given political candidate or policy issue.

33. While the *NPRM* tentatively concluded that all programming provided by a foreign governmental entity should be treated as a ''political program'' pursuant to section 317(a)(2) of the Act, and, thus, the provision of such programming in and of itself could be sufficient to trigger a disclosure, based on the record before us and upon further consideration, the Commission declines to expand the definition of political program in this context. Rather, consistent with the approach in this Order to narrow the scope of the rules to target more appropriately the reported instances of undisclosed foreign governmental programming, the Commission believes it is unnecessary to expand the interpretation of ''political program'' and elect to apply the existing interpretation of that term at this time. Similarly, for purposes of the foreign sponsorship identification rules the Commission will continue to interpret ''any program involving the discussion of any controversial issue'' under section 317(a)(2) in a manner consistent with precedent. The Commission finds that applying the existing definition of ''political program'' consistent with long-standing Commission precedent in this area addresses many of the concerns raised by commenters about various types of programming that inadvertently might be swept into the ambit the new foreign sponsorship identification rules. The Commission also clarifies that its new rules do not override the guidance provided in the Commission's 1963 seminal order and accompanying public notice about what would be considered an ''inducement'' to broadcast programming.

34. Additionally, similar to the analysis above, the Commission finds that section 507 of the Act applies in this context as well. Specifically, the Commission believes it is reasonable to consider the provision of any ''political program or any program involving the discussion of a controversial issue'' by a foreign governmental entity to a party in the distribution chain for no cost and as an inducement to air that material on a broadcast station to be ''service or other valuable consideration'' under the terms of section 507. Accordingly, in the event that an entity involved in the production, preparation, or supply of programming that is intended to be aired on a station has received any ''political program or any program involving the discussion of a controversial issue'' from a foreign governmental entity for free, or at nominal charge, as an inducement for its broadcast, the Commission finds that under section 507 it must disclose that fact to its employer, the person for whom the program is being produced, or the licensee of the station and will require an appropriate foreign sponsorship identification. The Commission discusses what this obligation means for the licensee and lessee below.

35. *Reasonable Diligence.* The Commission adopts its tentative conclusion from the *NPRM* that the final responsibility for any necessary foreign sponsorship identification disclosure rests with the licensee in accordance with the statutory scheme. Accordingly, the Commission finds that a broadcast station licensee must exercise ''reasonable diligence'' to determine if an entity within the scope addressed above—*i.e.* an entity or individual that is purchasing airtime on the station or providing any ''political program or any program involving the discussion of a controversial issue'' free of charge as an inducement to broadcast such material on the station—is a foreign governmental entity, such that a disclosure is required under the foreign sponsorship identification rules. As explained below, the Commission concludes that such diligence requires that the licensee must, at a minimum:

(1) Inform the lessee at the time of agreement and at renewal of the foreign sponsorship disclosure requirement;

(2) Inquire of the lessee at the time of agreement and at renewal whether it falls into any of the categories that qualify it as a ''foreign governmental entity'';

(3) Inquire of the lessee at the time of agreement and at renewal whether it knows if anyone further back in the chain of producing/distributing the programming that will be aired pursuant to the lease agreement, or a sub-lease, qualifies as a foreign governmental entity and has provided some type of inducement to air the programming;

(4) Independently confirm the lessee's status, at the time of agreement and at renewal by consulting the Department of Justice's FARA website and the Commission's semi-annual U.S.-based foreign media outlets reports for the lessee's name. This need only be done if the lessee has not already disclosed that it falls into one of the covered categories and that there is no separate

need for a disclosure because no one further back in the chain of producing/transmitting the programming falls into one of the covered categories and has provided some form of service or consideration as an inducement to broadcast the programming; and

(5) Memorialize the above-listed inquiries and investigations to track compliance in the event documentation is required to respond to any future Commission inquiry on the issue.

36. Finally, as discussed below, the Commission clarifies that the lessee, in accordance with sections 507(b) and (c) of the Act likewise carries an independent responsibility both to respond to the licensee's inquiries and inform the licensee if, during the course of the lease arrangement, it becomes aware of any information that would trigger a disclosure pursuant to the new foreign sponsorship identification rules.

37. *Licensee's Responsibilities.* Pursuant to section 317(c) of the Act, the licensee bears the responsibility to engage in ''reasonable diligence'' to determine the true source of the programming aired on its station. Section 317(c) of the Act states that the licensee of each radio station shall exercise reasonable diligence to obtain from its employees, and from other persons with whom it deals directly in connection with any program or program matter for broadcast, information to enable such licensee to make the announcement required by this section. This statutory provision is categoric and does not provide any exceptions, as it is the licensee who has been granted the right to use the public airwaves. As discussed in the *NPRM,* the licensee of a broadcast station must ultimately remain in control of the station and maintain responsibility for the material transmitted over its airwaves, even when it has entered into a leasing agreement. While this responsibility adheres in every instance, the Commission finds that it is particularly important here, where the record shows that the audience is typically unaware that the lessee/brokering party that is sponsoring, paying for, or furnishing the programming could either be a foreign governmental entity or be passing through programming on behalf of such an entity.

38. As a threshold matter, the Commission expects the licensee to convey clearly to the prospective lessee that there is a Commission disclosure requirement regarding foreign government-provided programming. In this regard, the Commission finds that ''reasonable diligence'' also includes inquiring of the potential lessee whether it qualifies under the definition of a ''foreign governmental entity.'' Given that the licensee is entering into a contractual agreement that allows the lessee to program airtime or provide programming on the station, the Commission finds it reasonable to expect that the licensee make these basic inquiries of the lessee to ascertain whether the programming to be aired will require a disclosure under the rules the Commission adopt herein. The Commission notes that broadcasters may choose to implement these requirements through contractual provisions between the licensee and lessee though they are not required to do so.

39. The Commission also expects the licensee to inquire of the lessee whether ''in connection with the production or preparation of any program or program matter'' that it, or any sub-lessee, intends to air it is aware of any money, service or other valuable consideration from a foreign governmental entity provided as an inducement to air a part of such program or program matter. Such an inquiry is consistent with sections 507(b) and (c) of the Act, which impose a duty on the lessee to inform the licensee to the extent it is aware of any payments or other valuable consideration, including inducements to air for free, associated with the programming such as to trigger a disclosure. Likewise, section 317(b) of the Act imposes an associated requirement on the licensee to make any disclosures necessitated by learning such information pursuant to section 507 of the Act. The Commission finds that this type of inquiry by the licensee is particularly important given reports about instances where programming originating from foreign governmental actors is being passed through program distributors who lease time on U.S. broadcast stations.

40. If in response to the licensee's initial inquiry, the lessee states that it falls within the definition of a ''foreign governmental entity,'' or is otherwise aware of the need for a foreign sponsorship identification disclosure, then the licensee needs to ensure that the programming contains the appropriate disclosure. As discussed above, licensees may become aware of the need for a foreign sponsorship identification disclosure via the reporting obligation contained in section 507 of the Act. On the other hand, if the lessee's response is that it does not fall within the definition and is not separately aware of the need for a disclosure, the Commission requires the licensee to verify independently that the lessee does not qualify as a ''foreign governmental entity.'' To do so, at a minimum, the licensee will need to conduct certain independent searches. Specifically, the licensee should check if the lessee appears on the Department of Justice's most recent FARA list as an agent that is acting on behalf of a foreign principal that is either a ''government of a foreign country,'' as defined by FARA, or a ''foreign political party,'' as defined by FARA. The licensee should also check if the lessee appears on the FARA list as an agent whose principal is either directly or indirectly operated, supervised, directed, owned, controlled, financed, or subsidized, in whole or in part, by a ''government of a foreign country,'' as defined by FARA, or a ''foreign political party'' as defined by FARA.

41. Put differently, if a lessee named ''ABC Corp.'' appears as an agent on the FARA list, but ABC Corp.'s principal is XYZ Corp., the licensee's search does not stop at this point simply because XYZ Corp. is neither a government of a foreign country nor a foreign political party. Rather the licensee should review ABC Corp's filing to see whether XYZ Corp is in fact directly or indirectly operated, supervised, directed, owned, controlled, financed, or subsidized, in whole or in part, by a government of a foreign country or a foreign political party. Such information will be indicated on the filing. If there is such direct or indirect operation, supervision, direction, ownership, control, financing, or subsidization, in whole or in part, then the programming aired by ABC Corp. will need a foreign sponsorship disclosure.

42. In this regard, the Commission notes that the FARA database is simple to use and allows for a search by terms. Consequently, the Commission anticipates that in most cases a licensee will need to do no more than merely run a search of the lessee's name on the FARA database. If the search does not generate any results, the licensee can safely assume that the lessee is not a FARA agent and no further search is needed on the FARA database. If the lessee's name does appear on the FARA database, the licensee may need to review the materials filed as part of a given agent's registration to ascertain whether the lessee qualifies as a ''foreign governmental entity.'' The licensee should also check if the lessee's name appears in the Commission's semi-annual reports of U.S.-based foreign media outlets. If the lessee's name does not appear on either the FARA list or in the U.S.-based foreign media outlet reports then no further checks are needed of these sites. Finally, the Commission requires that the

licensee memorialize its inquiries to track compliance and create a record in the event of any future Commission inquiry.

43. The Commission requires that a licensee investigate the nature of the party to whom it is leasing airtime both at the time the agreement between the parties is executed and at renewal. As part of its inquiries, the licensee should also inquire whether the lessee is aware of anyone further back in the chain of producing/transmitting the programming who might qualify as a foreign governmental entity and has provided some form of consideration as an inducement to air the programming. To the extent that the lessee confirms that it still qualifies as a foreign governmental entity, no other investigation on the part of the licensee is necessary beyond ensuring that the disclosures specified by the rules continue to be made. If the lessee indicates that it is no longer a foreign governmental entity, then programming disclosures are no longer required under the rules after the licensee independently verifies that this is the case.

44. The Commission requires reasonable diligence to be conducted not only at the time of the agreement is entered into, but also at renewal time. The Commission recognizes the lessee's status may change, particularly if the duration of the lease agreement is for a term of years. That is, over the course of the lease, not only might the lessee in fact become, due to actions on its part, a ''foreign governmental entity,'' for example, by entering into an agency relationship pursuant to FARA, but it may also be the case that the lessee contests the Department of Justice's designation of the lessee as a FARA agent such that the lessee's name only appears on the FARA list subsequent to the establishment of the lease agreement. Moreover, the Commission requires the licensee to memorialize the results of its diligence in some manner for its own records and maintain this documentation for the remainder of the then-current license term or one year, whichever is longer. In this manner, the licensee will have the necessary documentation should the Commission inquire about a particular lease agreement or particular programming aired on the licensee's station pursuant to the lease of time.

45. In addition, the Commission strongly encourages licensees to include a provision in their lease agreements requiring the lessee to notify the licensee about any change in the lessee's status such as to trigger the foreign sponsorship identification rules. The Commission expects that inclusion of such a provision will impress upon the lessee the importance of its rules and result in a statement to the licensee if there is a change in status. Some commenters assert that in lieu of the clear objective steps laid out above for meeting the statutory ''reasonable diligence'' requirement, the Commission should instead require broadcasters to engage in ''reasonable diligence'' only if they have reason to believe that their lessee is affiliated with a foreign governmental entity. The Act does not, however, contain a threshold showing of ''reason to believe'' in advance of requiring that broadcasters engage in ''reasonable diligence.'' Moreover, the adoption of such a subjective standard would make the rules adopted in the instant Order virtually ineffectual and unenforceable by leaving it up to the broadcasters' discretion whether to check the status of a lessee, rather than relying on quick objective searches of reliable government databases. Some of those that propose this ''reason to believe'' standard assert by way of example that there is no reason to believe that a church or school group with whom a licensee has had an extended relationship is likely to be, or have any connection with, a foreign governmental entity, and, hence there is no reason to inquire about such a lessee's status or its programming. The practical implication of linking the ''reasonable diligence'' steps described above to a broadcaster's *belief* based on its previous long-term relationships with given lessees, however, is that only new lessees or perhaps those with characteristics unknown to the broadcaster will be subject to ''reasonable diligence,'' an approach that would seem to favor existing lessees at the expense of new and diverse entrants and to jeopardize the Commission's efforts to ensure broadcast audiences know who is seeking to persuade them.

46. Some commenters suggest that the requirement to check the FARA list is unduly burdensome. The Commission finds that limiting the application of its foreign sponsorship disclosure rules to situations involving leasing agreements and also narrowing the scope of the term ''political program'' to align with prior interpretations, should greatly diminish the overall compliance burden on licensees by limiting the circumstances in which such searches will be necessary to those areas that raise important issues of public concern—as compared to the proposal laid out in the *NPRM,* which applied to *all* programming arrangements and required a special disclosure for all programming provided by a foreign governmental entity—while taking necessary steps to ensure broadcasters will identify those instances where foreign sponsorship identification is necessary. In addition, the objective tests laid out above should facilitate compliance, by specifying what licensees have to do to comply with the ''reasonable diligence'' requirement in terms of straightforward and limited search requirements that minimize the burden on broadcasters and are necessary to ensure that the public is adequately informed about the true identity of a programmer's ties to a foreign government. Thus, the Commission finds that these reasonable diligence inquiries do not pose undue burden on broadcast licensees and, more importantly, will help ensure that the licensee is cognizant of whether the entity seeking to lease time on its station is a foreign governmental entity.

47. *Lessee's Obligations.* As previously discussed, pursuant to section 507, the lessee also holds an independent obligation to communicate information to the licensee relevant to determining whether a disclosure is needed. In this regard, the Commission adopts the tentative conclusion contained in the *NPRM* that sections 507(b) and (c) of the Act impose a duty on the broker/lessee to inform the licensee to the extent it is aware of any payments (or other valuable consideration) associated with the programming such as to trigger a disclosure. No party commented on the Commission's tentative conclusion that sections 507(b) and (c) of the Act impose a duty on the broker/lessee to inform the licensee to the extent it is aware of any payments (or other valuable consideration) associated with the programming. As stated in the *NPRM,* in its 1960 amendments to the Act, Congress imposed on non-licensees associated with the transmission or production of programming a requirement to disclose any knowledge of consideration paid as an inducement to air particular material. Congress added this provision in recognition that individuals other than the licensee were increasingly involved in programming decisions. Thus, consistent with the statute, the Commission concludes that it is incumbent on a lessee to convey to the licensee its knowledge of any payment or consideration provided by, or unpaid programming received as an inducement from, an entity or individual that triggers the foreign sponsorship identification rules laid out in this Order.

48. The Commission emphasizes here that the reach of sections 507(b) and (c) of the Act is not limited only to those entities or individuals who have entered into lease agreements with the licensee. Rather, these provisions impose a disclosure obligation on *any person* who, in connection with the production or preparation of any program or who supplies to any other person any program to convey any information such person may have about the provision of any inducement to broadcast the program in order to necessitate a sponsorship identification disclosure by the licensee. Specifically, such non-licensees must disclose to their employer, the person for which such program is being produced (*e.g.,* the next individual involved in the chain of transmitting the programming to the licensee), or the licensee itself, their knowledge of any payment or ''valuable consideration'' provided or accepted by a foreign governmental entity. Section 507(a) of the Act imposes a similar disclosure obligation on the licensee's own employees. Likewise, section 317(b) of the Act imposes a parallel requirement on licensees to make a required disclosure to the public at the time of broadcast if they learn of the need for a disclosure via the mechanism laid out in section 507 of the Act.

49. *Reasonable Diligence Requirements to Apply on a Prospective Basis.* Some commenters have asked that any new rules only apply on a going forward basis. Recognizing that some lease agreements may last for several years, the Commission declines to delay application of its rules to only new lease agreements. Rather, the Commission believes that the public interest is best served if audiences are notified of foreign sponsorship as soon as reasonably possible. Thus, in addition to applying the rules to new lease agreements and renewals of existing agreements, the Commission requires that lease agreements in place when the changes to the rules adopted herein become effective come into compliance with the new requirements, including undertaking reasonable diligence, within six months. In this manner, the transparency the Commission seeks to achieve can be accomplished in a way that does not unduly burden licensees.

50. *Contents and Frequency of Required Disclosure of Foreign Sponsorship.* Consistent with the *NPRM,* the Commission adopts standardized language to inform audiences at the time of broadcast that the program material has been provided by a foreign governmental entity. Such standardized language will avoid confusion and ensure that the information is conveyed clearly and concisely to the audience. Accordingly, as discussed below, the Commissions adopts the disclosure language proposed in the NPRM with two modifications, one to provide greater flexibility in the language used and the other to harmonize its labeling requirements with those imposed pursuant to FARA. In addition, the Commission adopts a requirement that stations airing programming subject to the proposed disclosure requirement must place copies of the disclosures in their OPIFs, in a standalone folder marked as ''Foreign Government-Provided Programming Disclosures'' so that the material is readily identifiable to the public pursuant to the timing requirements discussed below.

51. *Labeling Requirement.* First, as requested by NAB, the Commission allows licensees the flexibility to use any of three terms (sponsored, paid for, or furnished) in an on-air foreign sponsorship disclosure statement, rather than mandate the use of ''paid for, or furnished'' as proposed, in order to conform the new requirement more closely to existing sponsorship identification requirements. The Commission notes that the language proposed by the National Association of Broadcasters (NAB) is consistent with existing sponsorship identification requirements. To the extent that the foreign sponsorship identification rules comport with existing rules and with how broadcast station personnel are accustomed to operating, the Commission finds that such allowances should facilitate compliance by licensees and minimize the burden on them. Hence, at the time a station broadcasts programming that was provided by a foreign governmental entity, the Commission requires a disclosure identifying that fact and the origin of the programming as follows:

> The [following/preceding] programming was [sponsored, paid for, or furnished,] either in whole or in part, by [name of foreign governmental entity] on behalf of [name of foreign country].

52. In establishing this disclosure language, the Commission recognizes that FARA also has a labelling requirement and clarify that the programming need not have two separate labels—both the FARA label and the Commission's full disclosure. Rather, for those entities that are subject to FARA, the Commission accepts for compliance purposes the contents of the FARA label as long as it is modified to include the country associated with the foreign governmental entity named in the label and comports with the format and frequency requirements described below. As discussed further below, the Commission notes that FARA requires only that FARA agents label materials, including broadcast programming, with a conspicuous statement identifying the FARA agent and its principal when distributed in the United States; therefore, unless the licensee has registered under FARA, the licensee may not have the required FARA label. Thus, for those entities not registered under FARA, the Commission requires the disclosure language the Commission adopts in this document. Moreover, the Commission finds that its disclosure statement—or, alternatively, the passthrough of modified FARA labels—provides audiences of broadcast stations greater insight about the source of foreign government-provided programming than may exist with existing FARA labeling practices. As described above, the language the Commission adopts in this document requires that the country associated with the foreign governmental entity be named in the disclosure, which will provide additional information when that entity is a foreign political party or an agent registered under FARA.

53. In the interest of ensuring transparency for the intended viewers and listeners of foreign government-provided programming, the Commission also requires that, if the primary language of the programming is other than English, the disclosure statement should be presented in the primary language of the programming. Although the *NPRM* sought comment on this issue, no commenters addressed this point. For programming that contains a ''conspicuous statement'' required by FARA, and such a conspicuous statement is in a language other than English, an additional disclosure in English is not needed.

54. With regard to the format of the disclosure, for televised programming, the Commission requires the disclosure to be in letters equal to or greater than four percent of the vertical picture height and be visible for not less than four seconds to ensure readability. The *NPRM* sought comment on this format, but no commenters addressed this point. As this format convention replicates the existing format rule for a televised political advertisement concerning a candidate for public office, the Commission anticipates minimal compliance burden on licensees. For radio broadcasts, the Commission incorporates into the rules the Department of Justice guidance provided to FARA registrants that the disclosure shall be audible. Once again,

although the *NPRM* sought comment on this issue, no commenters addressed this point.

55. With regard to the frequency of the disclosure, consistent with the *NPRM* and the existing rules for political broadcast matter or any broadcast matter involving the discussion of a controversial issue of public importance, the Commission requires that the disclosure be made at both the beginning and conclusion of the broadcast station programming to ensure the audience is aware of the source of its programming. Also consistent with its existing rules for political broadcast matter or any broadcast matter involving the discussion of a controversial issue of public importance, the Commission requires that for any broadcast of 5 minutes duration or less, only one such announcement must be made at either the beginning or conclusion of the program.

56. The Commission deviates from its existing sponsorship identification rules in one respect. The Commission adopts its tentative conclusion from the *NPRM* that for programming of greater than sixty minutes in duration, an announcement must be made at regular intervals during the broadcast, but no less frequently than once every 60 minutes. Sponsorship announcements at regular intervals are not explicitly required under the current rules. While NAB urges the Commission not to deviate from the existing timing and frequency rules, the Commission believes that this one additional requirement is necessary given the importance of disclosure related to foreign government-provided programming. While APTS notes that NCE stations are prohibited by statute from interrupting programming to identify funding sources, which could override and nullify the proposed frequency requirement in the context of NCE stations, as stated above, the Commission believes that NCE stations will rarely, if ever, fall within the ambit of the new rules. To the extent an issue does arise, the Commission will address such situations on a case-by-case basis through either its waiver process or the means that appear appropriate at that time. As discussed in the *NPRM,* the Commission finds that periodic announcements are necessary, particularly in those instances where a foreign governmental entity is continually broadcasting programming without an identifiable beginning or end, such as through a lease of a 100% of a station's airtime. No commenter objected to the Commission's reasoning for this finding nor commented on the burden of recurring announcements. The Commission notes that in the case of a political broadcast matter or any broadcast matter involving the discussion of a controversial issue of public importance—which typically does not have an obvious sponsor—the current rules require a sponsorship identification both at the beginning and conclusion of any such broadcast of greater than 5 minutes. Similarly, here the Commission believes that periodic announcements (once every 60 minutes) are necessary for any foreign government-provided programming with a duration of greater than one hour because of the lack of transparency regarding the true sponsor of such programming. The Commission notes that periodic announcements (*i.e.,* once every hour versus at the beginning and conclusion of the program) are also necessary because of the longer blocks of programming time foreign governmental entities typically purchase in connection with leasing arrangements.

57. Finally, consistent with the proposal in the *NPRM,* the Commission finds that its standardized disclosure requirements apply equally to any programming transmitted on a broadcast station's multicast streams. The Commission received no objections to this proposal, and consequently finds no reason to exclude multicast streams. As such, multicast streams are subject to all the disclosure requirements pertaining to foreign government-provided programming that the Commission adopts in this document.

58. *Public File.* Consistent with the *NPRM,* the Commission adopts a requirement that stations airing programming subject to the proposed disclosure requirement must place copies of the disclosures in their OPIFs, in a standalone folder marked as ''Foreign Government-Provided Programming Disclosures'' so that the material is readily identifiable to the public, as well as a requirement with regard to the frequency of placing such material in the public file. For broadcast stations that do not have obligations to maintain OPIFs, the Commission recommends such stations retain a record of their disclosures in their station files consistent with previous Commission guidance. The Commission does not, however, require licensees to submit additional information to their OPIFs concerning the list of persons operating the foreign governmental entity providing programming.

59. Specifically, the Commission finds that licensees must place in their OPIFs the actual disclosure and the name of the program to which the disclosure was appended. In addition, the licensee must state the date and time the program aired. If there were repeat airings of the program, then those additional dates and times should also be included in the OPIF. With regard to the frequency with which licensees must update their OPIFs with this disclosure information, the Commission aligns this requirement with its existing requirement to update the TV Issues/Programs Lists on a quarterly basis, as this will minimize the need for licensees to track different public filing requirements. The Commission also establishes the same OPIF two-year retention period for disclosures related to foreign government-provided programming as currently exists for the retention of lists regarding the executives of any entity that sponsored programming concerning a political or controversial matter.

60. The Commission does not adopt the ''as soon as possible'' disclosure standard contained in § 73.1943 of its rules or require posting to occur ''within twenty-four hours of the material being broadcast'' as proposed in the *NPRM.* The Commission is persuaded by NAB's comments that the ''as soon as possible'' standard contained in § 73.1943(c) of the rules need not apply to disclosures associated with foreign governmental entities. As NAB notes, the immediacy requirement in the political advertising context stems from the need to ensure that candidates can exercise their statutory rights to equal opportunities at statutorily mandated rates and the time-sensitive need to reach potential voters before an election. The Commission finds no corresponding need to respond within an expedited timeframe in the case of foreign government-provided programming.

61. The Commission concludes that, to the extent the foreign programming consists of a political matter or matter involving the discussion of a controversial issue of public importance, licensees obtain and disclose in their OPIFs a list of the persons operating the entity providing the programming, as currently required. The Commission clarifies that licensees can satisfy the required OPIF disclosures by identifying the officers and directors of the lessee in a single filing per lessee (rather than separate filings concerning each individual program sponsored by the same lessee) together with other filings required by the foreign sponsorship identification rules. The Commission is not persuaded by NAB's contention—that, in the case of foreign-government-provided programming, the on-air and OPIF disclosures will provide the necessary

information to the American public identifying the foreign governmental entity that provided the programming and the foreign country with which it is affiliated—to grant what effectively would be an exemption to existing sponsorship identification rules for political programming provided by foreign governmental entities. However, the Commission determines at this time that the licensee need not provide any additional information in its OPIF, as considered in the *NPRM,* regarding the relationship between the foreign governmental entity and the foreign country that the foreign governmental entity represents, having no evidence to support the need for such information to enhance public disclosure at this time.

62. Finally, the Commission adopts the unopposed tentative conclusion contained in the *NPRM* that licensees maintain in their OPIFs the disclosures associated with foreign government-provided programming rather than giving them the option of maintaining such information at the network headquarters if the programming was originated by a network.

63. *Concerns About Overlap with Other Statutory or Regulatory Requirements.* The Commission rejects any suggestion that its foreign sponsorship identification rules are either duplicative of requirements imposed under FARA or unnecessary given the Commission's current sponsorship identification rules. Rather, as discussed above and consistent with the admonitions of commenters, the Commission adopts disclosure requirements that further the its statutory mandate to provide transparency to audiences of broadcast stations regarding the source of sponsored programming, while avoiding unnecessary duplication with the FARA requirements.

64. As a preliminary matter, the Commission emphasizes that although the requirements laid out in the *NPRM* and the instant Order look to FARA for assistance in determining what qualifies as a ''foreign governmental entity,'' section 317 of the Act and FARA each cover different types of entities with respect to their labeling requirements. Section 317 and the Commission's sponsorship identification rules speak specifically to the obligations of licensees of broadcast stations, imposing transparency requirements regarding the origin of sponsored content as an element of the licensee's stewardship of the public airwaves. In contrast, FARA imposes an obligation on agents required to register under FARA to label materials with a conspicuous statement identifying the FARA agent and its principal when it is distributing relevant materials within the United States by any means or media. Accordingly, unless the licensee of a broadcast station itself is a registered agent under FARA, the label required by FARA may not appear. Even if such labels are being passed through in some instances, as discussed above and in the *NPRM,* the reports about incidents of undisclosed foreign government programming indicate the need for greater action to ensure transparency. Consistent with the Commission's own statutory mandate, the requirements adopted in the instant Order focus specifically on *broadcast licensees* to ensure they disclose foreign government provided-programming consistent with the intent and language of section 317 of the Act.

65. Further, as noted above, the rules the Commission adopts in this document require identification of the *country* associated with the foreign governmental entity that provided the programming, whereas the FARA disclosure statement does not require this information. Rather, FARA requires identification of only the *foreign principal,* whose name may not identify its connection to a foreign country. In addition, while FARA requires that covered materials that are televised or broadcast, or which are caused to be televised or broadcast shall be *introduced* by a statement which is reasonably adapted to convey to the viewers or listeners thereof such information as is required under FARA, it does not dictate whether such information should be repeated during a broadcast or at what frequency. In contrast, the foreign sponsorship identification rules the Commission adopts in this document contain specific guidance for broadcast licensees as to the frequency and content of the required label to increase transparency and ensure audiences are aware of the foreign sources of such programming.

66. Given the key differences between the FARA requirements and those the Commission adopts in this document, the Commission rejects NPR's assertion that enforcement of § 73.1212(e) of the Commission's rules could achieve the Commission's goals in this proceeding. As REC Networks notes, compliance with the Commission's existing sponsorship identification rules does not currently result in the identification of a foreign government as the ultimate provider of programming to the extent this is the case.

67. *Section 325(c) Permits.* The Commission adopts the *NPRM's* tentative conclusion that the proposed foreign sponsorship identification rules should apply expressly, to the extent applicable, to any programming broadcast pursuant to a section 325(c) permit, in addition to U.S.-licensed broadcast stations. A section 325(c) permit is required when an entity produces programming in the United States but, rather than broadcasting the programming from a U.S.-licensed station, transmits or delivers the programming from a U.S. studio to a non-U.S. licensed station in a foreign country and broadcasts the programming from the foreign station with a sufficient transmission power or from a geographic location that enables the material to be received consistently in the United States.

68. The Commission finds that applying the same disclosure requirements to programming broadcast pursuant to a section 325(c) permit serves the public interest because, like programming from a U.S.-licensed station, programming from a section 325(c) station is received by audiences in the United States. In this context, the section 325(c) permit holder has full control over its programming content and whether and how any programming provided by foreign governmental entities should be incorporated in the programming broadcast pursuant to its section 325(c) permit and broadcasted by the foreign station. Accordingly, any programming agreement with a section 325(c) holder will be subject to the foreign sponsorship disclosure if material aired on the foreign station has been sponsored, paid for, or furnished for free as an inducement to air by a foreign governmental entity. Under the rules the Commission adopts herein, a section 325(c) permit holder must ensure that the foreign station will broadcast the disclosure along with the programming provided under its section 325(c) permit. The Commission finds that treating U.S.-licensed broadcast station licensees and section 325(c) permittees in the same manner with respect to foreign government-provided programming would serve the public interest and could avoid creating a potential loophole in the regulatory framework with respect to the identification of foreign government-provided programming.

69. The Commission received no comment on its tentative conclusion regarding programming provided pursuant to section 325(c) permits, including regarding whether any aspect of the foreign sponsorship identification requirements should be modified for section 325(c) permit holders. The Commission therefore finds no reason to depart from its tentative conclusion in this regard and find that the foreign

sponsorship identification rules will apply to any programming broadcast pursuant to a section 325(c) permit. The Commission notes, however, that the section 325(c) permit holders are not required to maintain an online public inspection file. Accordingly, a section 325(c) permit holder shall place copies of the disclosures required along with the name of the program to which the disclosures were appended in the International Bureau's public filing System (IBFS) under the relevant IBFS section 325(c) permit file. The filing must state the date and time the program aired. In the case of repeat airings of the program, those additional dates and times should also be included. Where an aural announcement was made, its contents must be reduced to writing and placed in the IBFS in the same manner.

70. *First Amendment Considerations.* Consistent with the *NPRM,* the Commission finds that the foreign sponsorship identification rules the Commission adopts in this document comport with the strictures of the First Amendment to the Constitution, even under the highest level of scrutiny. As discussed above and at length in the *NPRM,* the Government has a compelling interest in ensuring that the public is aware of when a party has sponsored content on a broadcast station. The Commission finds that interest is even more important when a foreign governmental entity is involved in the sponsorship of the programming material, and that transparency to American audiences as to the sponsorship of such programming is a compelling interest. Having narrowed the rules even further than initially proposed, the Commission finds the final rules to be ''narrowly tailored'' to fulfill a ''compelling'' government interest using the ''least restrictive means'' to serve that goal. That being said, consistent with the *NPRM's* further tentative conclusion, the Commission believes the disclosure requirement the Commission adopts in this document will be evaluated under a less restrictive, intermediate scrutiny standard applied to content neutral restrictions on broadcasters and thus will be upheld if narrowly tailored to achieve a substantial government interest. Moreover, because the disclosure requirement is content neutral—that is, it does not ban any type of speech but merely requires factual disclosure of the source of certain of programming—the Commission believes that the rules comply with the First Amendment as they are narrowly tailored to achieve a substantial Government interest. Thus, the Commission finds that, regardless of the level of scrutiny applied, its foreign sponsorship identification rules satisfy the First Amendment.

71. In addition, the Commission has significantly narrowed the scope of the programming covered by this rule and minimized both the amount of speech potentially affected and the compliance burdens placed on broadcast licensees to focus on the context in which the record shows there are significant transparency concerns. As discussed above, the disclosure will now be required only for programming aired pursuant to a lease of airtime if directly or indirectly provided by a foreign governmental entity. By focusing the foreign sponsorship identification rules on leased programming, the Commission excludes from coverage programming that does not raise the same level of transparency concerns and a significant number of broadcast stations that do not engage in such leasing agreements and virtually all non-commercial, educational broadcasters, which rarely lease time to third parties in the manner discussed.

72. Additionally, based on comments in the record, the Commission has clarified above how broadcast stations can comply with the narrowed scope of the rules to ensure that they are no more burdensome than necessary to serve the vital need for transparency about who is attempting to influence viewers. For example, the Commission has adopted the commenters' suggestion that if the programming already contains an appropriate disclosure pursuant to FARA that conveys the same information required by the Commission's rules and that is aired with at least the same frequency, then the station need not apply an additional disclosure.

73. Ultimately, the rules the Commission adopts in this document are a minimal extension of the long-standing sponsorship identification rules required by § 73.1212 of its rules and well within the authority granted under section 317 of the Act. Similarly, the Commission believes its rules are consistent with, and not duplicative of, the equally long-standing labeling requirement contained in FARA. As such, the Commission finds that the modification of the sponsorship identification rules the Commission adopts herein is entirely consistent with the existing statutes and precedent in this area and complies with the First Amendment.

74. Broadcasters have stated that focusing the rules on the type of programming subject to FARA disclosures and exempting inconsequential programming would appropriately focus the Commission's rules on foreign propaganda, rather than the broad array of broadcast content that raised a host of concerns, including First Amendment issues, for NAB and other commenters. Fox similarly states that the rules should apply to longer programming provided by a FARA registrant and aired pursuant to a lease agreement. NAB based its previous claim that the rules would not withstand either intermediate or strict scrutiny on the assertion that they are duplicative of FARA obligations and thus fail to serve a compelling or substantial Government interest. As the Commission has discussed above, its foreign sponsorship identification rules apply to entities and programming not necessarily covered by FARA because they impose obligations directly on broadcasters and their programming suppliers. Further, the rules the Commission adopts herein promote greater transparency by requiring identification of the specific foreign government attempting to influence American viewers rather than referring viewers to a Government website to review. For these reasons, the Commission concludes that its modified foreign sponsorship identification rules comply with the First Amendment.

75. *Cost-Benefit Analysis.* The *NPRM* sought comment on the benefits and costs associated with adopting foreign sponsorship identification rules. The *NPRM* also requested specific data and analysis in support of any claimed costs and benefits. No commenter provided quantified calculations of the benefits or costs of the proposed rules. Nevertheless, the Commission finds that by limiting the proposed rules to the circumstances stated above, the costs associated with the rules are reduced significantly from the initial proposal. Research reviewed by Commission staff also suggests that there are measurable benefits to sponsorship identification disclosures. Moreover, the lack of transparency regarding foreign influence and foreign government sponsored media has become a major public concern, including in Congress and for the United States Department of State. The public filing requirement will provide data on the extent of foreign government sponsored programming airing on broadcast stations. Therefore, the Commission finds that the costs associated with adopting the foreign sponsorship identification rules, as modified herein, do not outweigh the public benefits the Commission has identified regarding transparency of the

source of programming heard or viewed by the American public.

76. *Regulatory Flexibility Act.* As required by the Regulatory Flexibility Act of 1980 (RFA), as amended, an Initial Regulatory Flexibility Certification was incorporated into the *NPRM.* Pursuant to the RFA, the Commission has prepared a Final Regulatory Flexibility Certification relating to this Report and Order.

77. *Paperwork Reduction Act.* This Report and Order contains proposed new or revised information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3501–3520). The requirements will be submitted to the Office of Management and Budget (OMB) for review under section 3507(d) of the PRA. OMB, the general public, and other Federal agencies will be invited to comment on the new or modified information collection requirements contained in this proceeding. In addition, the Commission notes that pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4), the Commission previously sought specific comment on how the Commission might further reduce the information collection burden for small business concerns with fewer than 25 employees.

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

79. *Final Regulatory Flexibility Act Analysis.* As required by the Regulatory Flexibility Act of 1980, as amended (RFA), an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the *NPRM* in this proceeding. The Federal Communications Commission (Commission) sought written public comment on the proposals in the *NPRM,* including comment on the IRFA. The Commission received no comments on the IRFA. This present Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA.

80. *Need for, and Objectives of, the Proposed Rules.* As stated in the IRFA, broadcast programming viewers and listeners deserve to know when a foreign governmental entity has provided programming so that they can better evaluate the value and accuracy of such programming. Broadcast stations are entrusted with using the public airwaves to benefit their local communities and this obligation includes ensuring that any foreign government-provided programming is clearly identified. The rules the Commission adopts in this document update its sponsorship identification rules to provide specific guidance on the language and frequency of the necessary disclosures, provide clarity about how to identify a foreign governmental entity, and specify the steps broadcasters should take to ensure compliance with the ''reasonable diligence'' standard contained in section 317(c) of the Communications Act of 1934, as amended (Act).

81. While the *NPRM* proposed that the foreign sponsorship identification rules would apply in any circumstance in which a foreign governmental entity directly or indirectly provided material for broadcast or furnished material to a station free of charge (or at nominal cost) as an inducement to broadcast such material, the Report and Order (R&O) narrows the rule to address specifically those circumstances in which a foreign governmental entity is programming a U.S. broadcast station pursuant to the lease of airtime. The rules adopted in the R&O require a specific disclosure at the time of broadcast if material aired pursuant to the lease of time on the station has been sponsored, paid for, or, in the case of political programming or programming involving a controversial issue, furnished for free as an inducement to air by a foreign governmental entity. The focus on leasing agreements narrows the application of the disclosure rules significantly, thereby minimizing the burden on broadcasters while ensuring that viewers and listeners are sufficiently informed as to the origin of material broadcast on stations when foreign governmental entities are providing programming. For example, the Commission anticipates that most, and possibly all, NCE station programming arrangements will fall outside the ambit of the rules given limitations on the ability of NCE stations to engage in leasing agreements. The foreign sponsorship identification rules apply to any programming broadcast pursuant to a section 325(c) permit. A section 325(c) permit is required when an entity produces programming in the United States but, rather than broadcasting the programming from a U.S.-licensed station, transmits or delivers the programming from a U.S. studio to a non-U.S. licensed station in a foreign country and broadcasts the programming from the foreign station with a sufficient transmission power or from a geographic location that enables the material to be received consistently in the United States.

82. The R&O defines foreign governmental entities by referring to existing statutory definitions included in the Foreign Agents Registration Act of 1938, as amended (FARA) and the Communications Act. The definition adopted in the R&O includes:

(1) A ''government of a foreign country'' as defined by FARA;

(2) A ''foreign political party'' as defined by FARA;

(3) An individual or entity registered as an ''agent of a foreign principal,'' under section 611(c) of FARA, whose ''foreign principal'' is a ''government of a foreign country,'' a ''foreign political party,'' or is directly or indirectly operated, supervised, directed, owned, controlled, financed, or subsidized by a ''government of a foreign country'' or by a ''foreign political party'' as defined by FARA, and that is acting in its capacity as an agent of such ''foreign principal;''

(4) An entity meeting the definition of a ''U.S.-based foreign media outlet'' pursuant to section 722 of the Act that has filed a report with the Commission.

83. Based on broadcaster concerns regarding the difficulty of determining whether an entity is a ''foreign mission'' as included in the proposed definition of ''foreign governmental entity,'' the final definition the Commission adopts in this R&O excludes ''foreign missions.''

84. The revised required standard foreign sponsorship identification disclosure must state:

> The [following/preceding] programming was [sponsored, paid for, or furnished,] either in whole or in part, by [name of foreign governmental entity] on behalf of [name of foreign country].

In establishing this disclosure language, the R&O first adjusts the language proposed in the *NPRM* to allow including the word ''sponsored'' as one of the options that can be used. Broadcasters sought this change because it is consistent with existing sponsorship identification language. In addition, recognizing that FARA requires a standard disclosure, the R&O simplifies compliance by allowing broadcasters, including small broadcasters, to pass through any required FARA label included with the programming, so long as it also adds the name of the foreign country involved in

providing the programming and comports with the format and frequency requirements described below. The R&O concludes that the FARA disclosure with the addition of the country name satisfies the need to provide viewers and listeners greater insight regarding the source of foreign government-provided programming.

85. The R&O details what is required of broadcasters to meet the ''reasonable diligence'' standard contained in section 317(c) of the Act so that broadcasters can determine if a foreign sponsorship identification disclosure is needed. The R&O concludes that such diligence at a minimum requires the broadcaster to at the time of agreement and at renewal:

(1) Inform the lessee of the foreign sponsorship disclosure requirement;

(2) Inquire of the lessee whether it falls into any of the categories that qualify it as a ''foreign governmental entity'';

(3) Inquire of the lessee whether it knows if anyone further back in the chain of producing/distributing the programming that will be aired pursuant to the lease agreement, or a sub-lease, qualifies as a foreign governmental entity and has provided some type of inducement to air the programming;

(4) Independently confirm the lessee's status, by consulting the Department of Justice's FARA website and the Commission's semi-annual U.S.-based foreign media outlets reports. This need only be done if the lessee states that it does not fall into one of the covered categories and that there is no separate need for a disclosure because no one further back in the chain of producing/transmitting the programming falls into one of the covered categories and has provided some form of service or consideration as an inducement to broadcast the programming; and

(5) Memorialize the above-listed inquiries and investigations to track compliance in the event documentation is required to respond to any future Commission inquiry on the issue.

86. The R&O specifies that the licensee must memorialize the results of its diligence in some manner for its own records and maintain this documentation for the remainder of the then-current license term or one year, whichever is longer. In addition, the R&O clarifies that, under the revised rules, the lessee of airtime, in accordance with sections 507(b) and (c) of the Act, also holds an independent obligation to communicate information to the licensee relevant to determining whether a disclosure is needed.

87. In the interest of ensuring transparency for viewers and listeners of foreign government-provided programming, the R&O requires that, if the primary language of the programming is other than English, the disclosure statement should be presented in the primary language of the programming. The disclosure for televised programming should be in letters equal to or greater than four percent of the vertical picture height and be visible for not less than four seconds to ensure readability. As this requirement tracks existing rules for televised political advertisements, television licensees are familiar with this format. For radio broadcasts, the R&O incorporates the existing DOJ interpretation for programming provided by FARA registrants: That the disclosure shall be audible. The R&O requires that the disclosure be made at both the beginning and end of the programming, and, consistent with an existing requirement for ''political broadcast matter,'' for any broadcast of 5 minutes or less, only once. Finally, for programming longer than sixty minutes, the disclosure must be made at regular intervals during the broadcast, but no less frequently than once every sixty minutes. The R&O finds that periodic announcements are necessary, particularly in those instances where a foreign governmental entity is continually broadcasting programming without an identifiable beginning or end, such as through a lease of a 100% of a station's airtime. Other than this final requirement for longer programming, the new size, frequency and duration requirements of the new foreign sponsorship identification rules are consistent existing sponsorship identification rules and are thus familiar to broadcasters.

88. Consistent with the *NPRM,* the R&O adopts a requirement that stations airing foreign government-provided programming must place copies of the disclosures in their Online Public Information Files (OPIFs), in a standalone folder marked as ''Foreign Government-Provided Programming Disclosures'' so that the material is readily identifiable to the public. The R&O adopts the proposal discussed in the *NPRM,* that, to the extent the foreign programming consists of a political matter or matter involving the discussion of a controversial issue of public importance, licensees obtain and disclose in their OPIFs a list of the persons operating the foreign governmental entity that has provided the programming. The R&O rules require licensees to place in their OPIFs the actual disclosure and the name of the program to which the disclosure was appended. In addition, the licensee must state the date and time the program aired. If there are repeat airings of the program, then those additional dates and times should also be included in the OPIF. In response to broadcaster concerns about burdens, the R&O does not adopt the *NPRM*'s ''as soon as possible'' standard for updating OPIFs contained in § 73.1943 of existing rules, nor interpret this phrase to mean ''within twenty-four hours of the material being broadcast.'' Rather, for frequency of updating OPIFs, the R&O adopts rules that align with an existing requirement to update the TV Issues/Programs Lists on a quarterly basis, as this will minimize the need for licensees to track different public filing requirements. The R&O also adopts the same OPIF two-year retention period as currently exists for the retention of lists of the executives of any entity that sponsored programming concerning a political or controversial matter. For broadcast stations that do not have obligations to maintain OPIFs, the Commission recommends such stations retain a record of their disclosures in their station files consistent with previous Commission guidance. The R&O rules also require section 325(c) permit holders must place copies of the disclosures required along with the name of the program to which the disclosures were appended in the International Bureau's public filing System (IBFS) under the relevant IBFS section 325(c) permit file. The filing must state the date and time the program aired. In the case of repeat airings of the program, those additional dates and times should also be included. Where an aural announcement was made, its contents must be reduced to writing and placed in the IBFS in the same manner.

89. *Summary of Significant Issues Raised by Public Comments in Response to the IRFA.* There were no comments filed in response to the IRFA.

90. *Response to Comments by the Chief Counsel for Advocacy of the Small Business Administration.* Pursuant to the Small Business Jobs Act of 2010, which amended the RFA, the Commission is required to respond to a comments filed by the Chief Counsel for Advocacy of the Small Business Administration (SBA), and to provide a detailed statement of any change made to the proposed rules as a result of those comments. The Chief Counsel did not file any comments in response to the proposed rules in this proceeding.

91. *Description and Estimate of the Number of Small Entities to Which the Rules Apply.* The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of

small entities that may be affected by the proposed rule revisions, if adopted. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act (SBA). A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA. Below, the Commission provides a description of such small entities, as well as an estimate of the number of such small entities, where feasible.

92. *Television Broadcasting.* This U.S. Economic Census category comprises establishments primarily engaged in broadcasting images together with sound. These establishments operate television broadcast studios and facilities for the programming and transmission of programs to the public. These establishments also produce or transmit visual programming to affiliated broadcast television stations, which in turn broadcast the programs to the public on a predetermined schedule. Programming may originate in their own studio, from an affiliated network, or from external sources. The SBA has created the following small business size standard for such businesses: Those having $41.5 million or less in annual receipts. The 2012 Economic Census reports that 751 firms in this category operated in that year. Of that number, 656 had annual receipts of $25 million or less, 25 had annual receipts between $25 million and $49,999,999 and 70 had annual receipts of $50 million or more. Based on these data, the Commission estimates that the majority of commercial television broadcast stations are small entities under the applicable size standard.

93. Additionally, the Commission has estimated the number of licensed commercial television stations to be 1,374. Of this total, 1,269 stations (or 92%) had revenues of $41.5 million or less in 2020, according to Commission staff review of the BIA Kelsey Inc. Media Access Pro Television Database (BIA) on April 20, 2021, and therefore these stations qualify as small entities under the SBA definition. In addition, the Commission estimates the number of noncommercial educational stations to be 384. The Commission does not compile and does not have access to information on the revenue of NCE stations that would permit it to determine how many such stations would qualify as small entities. There are also 386 Class A stations. Given the nature of this service, the Commission presumes that all of these stations qualify as small entities under the applicable SBA size standard.

94. *Radio Stations.* This U.S. Economic Census category comprises establishments primarily engaged in broadcasting aural programs by radio to the public. Programming may originate in the establishment's own studio, from an affiliated network, or from external sources. The SBA has created the following small business size standard for such businesses: Those having $41.5 million or less in annual receipts. Economic Census data for 2012 show that 2,849 firms in this category operated in that year. Of that number, 2,806 operated with annual receipts of less than $25 million per year, 17 with annual receipts between $25 million and $49,999,999 million and 26 with annual receipts of $50 million or more. Based on these data, the Commission estimates that the majority of commercial radio broadcast stations were small under the applicable SBA size standard.

95. The Commission has estimated the number of licensed commercial AM radio stations to be 4,546 and the number of commercial FM radio stations to be 6,682 for a total of 11,228 commercial stations. Of this total, 11,227 stations (or 99%) had revenues of $41.5 million or less in 2020, according to Commission staff review of the BIA Kelsey Inc. Media Access Pro Television Database (BIA) on April 20, 2021, and therefore these stations qualify as small entities under the SBA definition. In addition, there were 4,213 noncommercial educational FM stations. The Commission does not compile and does not have access to information on the revenue of NCE radio stations that would permit it to determine how many such stations would qualify as small entities.

96. In assessing whether a business concern qualifies as small under the above definition, business (control) affiliations must be included. The Commission's estimate, therefore, likely overstates the number of small entities that might be affected by its action because the revenue figure on which it is based does not include or aggregate revenues from affiliated companies. In addition, an element of the definition of ''small business'' is that the entity not be dominant in its field of operation. The Commission is unable at this time to define or quantify the criteria that would establish whether a specific radio or television station is dominant in its field of operation. Accordingly, the estimate of small businesses to which the proposed rules may apply does not exclude any radio or television station from the definition of small business on this basis and is therefore possibly over-inclusive.

97. *Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements.* The R&O adopts rules that require a specific disclosure at the time of broadcast if material aired pursuant to the lease of time on the station has been sponsored, paid for, or, in the case of political programming or programming involving a controversial issue, furnished for free as an inducement to air by a ''foreign governmental entity.'' As described above, the term ''foreign governmental entity'' is defined by reference to existing definitions in the Foreign Agents Registration Act of 1938 as amended (FARA) and Section 722 of the Communications Act of 1934, as amended (the Act). The R&O requires that stations use the following standard disclosure:

> The [following/preceding] programming was [sponsored, paid for, or furnished,] either in whole or in part, by [name of foreign governmental entity] on behalf of [name of foreign country].

In addition, recognizing that FARA requires a standard disclosure, the R&O simplifies compliance by allowing broadcasters, including small broadcasters, to pass through any required FARA label included with the programming, so long as it also adds the name of the foreign country involved in providing the programming. The R&O concludes that the FARA disclosure with the addition of the country name satisfies the need to provide viewers and listeners greater insight regarding the source of foreign government-provided programming. To further reduce compliance burdens for broadcasters, including small broadcasters, the size, frequency, and duration of the required disclosure generally matches size, frequency and duration requirements for other types of programming requiring sponsorship identification.

98. In response to requests from broadcasters, including small broadcasters, the R&O details what is required of broadcasters to meet the ''reasonable diligence'' standard contained in section 317(c) of the Act so that broadcasters can determine if a foreign sponsorship identification disclosure is needed. As described above, the R&O lists five specific steps broadcasters must take to satisfy the standard. The R&O states that searches of the FARA database may require more than simply reviewing the initial

screens that appear on the list, but rather may also necessitate reviewing materials filed as part of an agent's registration and using whatever search features are available to investigate the list's contents. Licensees should also check if the lessee's name appears in the Commission's semi-annual reports of U.S.-based foreign media outlets. The R&O also requires, that, at regular intervals, the licensee should memorialize the results of its diligence in some manner for its own records and maintain this documentation for the remainder of the then-current license term or one year, whichever is longer. The R&O clarifies that, under the revised rules, the lessee of the airtime, in accordance with sections 507(b) and (c) of the Act, also holds an independent obligation to communicate information to the licensee relevant to determining whether a disclosure is needed.

99. In the interest of ensuring transparency for viewers and listeners of foreign government-provided programming, the R&O requires that, if the primary language of the programming is other than English, the disclosure statement should be presented in the primary language of the programming. The disclosure for televised programming should be in letters equal to or greater than four percent of the vertical picture height and be visible for not less than four seconds to ensure readability. As this requirement tracks existing rules for televised political advertisements, television licensees are familiar with this format, minimizing their compliance burdens. For radio broadcasts, the R&O incorporates the existing DOJ interpretation for programming provided by FARA registrants: That the disclosure shall be audible. The R&O requires that the disclosure be made at both the beginning and end of the programming, and, consistent with an existing requirement for ''political broadcast matter,'' for any broadcast of 5 minutes or less, only once. Finally, for programming longer than sixty minutes, the disclosure must be made at regular intervals during the broadcast, but no less frequently than once every sixty minutes. The R&O finds that periodic announcements are necessary, particularly in those instances where a foreign governmental entity is continually broadcasting programming without an identifiable beginning or end, such as through a lease of 100% of a station's airtime. Other than this final requirement for longer programming, the new rules are consistent with existing sponsorship identification rules and are thus familiar to broadcasters to reduce compliance burdens.

100. Consistent with the *NPRM,* the R&O adopts a requirement that stations airing foreign government-provided programming must place copies of the disclosures in their Online Public Information Files (OPIFs), in a standalone folder marked as ''Foreign Government-Provided Programming Disclosures'' so that the material is readily identifiable to the public. The R&O adopts the proposal discussed in the *NPRM,* that, to the extent the foreign programming consists of a political matter or matter involving the discussion of a controversial issue of public importance, licensees obtain and disclose in their OPIFs a list of the persons operating the foreign governmental entity providing the programming. In response to broadcaster concerns about burdens, the R&O also does not adopt the *NPRM's* ''as soon as possible'' standard for updating OPIFs contained in § 73.1943 of existing rules, nor interpret this phrase to mean ''within twenty-four hours of the material being broadcast.'' Rather, for frequency of updating OPIFs, the R&O adopts rules that align with an existing requirement to update the TV Issues/Programs Lists on a quarterly basis, as this will minimize the need for licensees to track different public filing requirements. The R&O also adopts the same OPIF two-year retention period as currently exists for the retention of lists of the executives of any entity that sponsored programming concerning a political or controversial matter.

101. *Steps Taken to Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered.* The RFA requires an agency to describe any significant alternatives that it has considered in adopting its rules, which may include the following four alternatives (among others): (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.

102. While the *NPRM* proposed that foreign sponsorship disclosure rules should apply in any circumstances in which a foreign governmental entity directly or indirectly provided material for broadcast or furnished material to a station free of charge (or at nominal cost) as an inducement to broadcast such material, the R&O narrows the rule to address specifically those circumstances in which a foreign governmental entity is programming a U.S. broadcast station pursuant to the lease of airtime. The rules adopted in the R&O require a specific disclosure at the time of broadcast if material aired pursuant to the lease of time on the station has been sponsored, paid for, or, in the case of political programming or programming involving a controversial issue, furnished for free as an inducement to air by a foreign governmental entity. The focus on leasing agreements narrows the application of the disclosure rules significantly, thereby minimizing the burden on broadcasters while ensuring that viewers and listeners are sufficiently informed as to the origin of material broadcast on stations when foreign governmental entities are providing programming. Most, and possibly all, noncommercial educational NCE programming arrangements will fall outside the ambit of the narrowed rules given limitations on the ability of NCE stations to engage in leasing arrangements. Also, while the *NPRM* proposed to include ''foreign missions,'' as designated pursuant to the Foreign Missions Act, within the definition of foreign governmental entities that would trigger foreign sponsorship identification, based on broadcaster concerns regarding the difficulty and compliance burden of including these entities, the R&O eliminates then from the definition.

103. Additionally, based on comments from broadcasters, including small broadcasters, the R&O clarifies compliance obligations to ensure that, under the narrowed scope of the rules, they are no more burdensome than necessary to serve the vital need for transparency about who is attempting to influence viewers and listeners. The R&O details what is required of broadcasters to meet the ''reasonable diligence'' standard contained in section 317(c) of the Act so that broadcasters can determine if a foreign sponsorship identification disclosure is needed. The R&O lists specific steps broadcasters must take to satisfy the standard. The R&O also advises broadcasters to include a provision in their lease agreements requiring the lessee to notify the broadcaster about any change in the lessee's status such as to trigger the foreign sponsorship identification rules. The R&O also adopts broadcaster suggestions to reduce compliance burdens by matching, to the extent possible, disclosure language, size, frequency and duration requirements

contained in existing sponsorship identification rules and allowing broadcasters to satisfy the new foreign sponsorship identification requirements by simply passing through existing FARA programming labels if they also disclose the country involved with provision of the programming and comport with the size and frequency requirements contained in the R&O. Similarly, in response to comments from broadcasters, including small broadcasters, to the extent possible, the Commission matches obligations to place and update disclosures in station OPIFs to other broadcaster OPIF obligations. Broadcasters have indicated that implementing such changes would mean the burden on broadcasters would be considerably less and more appropriate.

104. The *NPRM* sought comment on the benefits and costs associated with adopting foreign government-provided programming sponsorship identification rules and requested specific data and analysis in support of any claimed costs and benefits. No commenters provided quantified calculations of the benefits or costs of the proposed rules. Thus, the R&O finds that by narrowing the scope of the programming for which foreign governmental entity sponsorship is required and minimizing compliance burdens as described in the preceding paragraphs, the costs for broadcasters, including small broadcasters, associated with the rules are reduced significantly from the initial proposal. Research reviewed by Commission staff also suggests that there are measurable benefits to sponsorship identification disclosures. Therefore, the R&O finds that the costs, including the costs for small businesses, associated with adopting the rules, as modified by the R&O, do not outweigh the substantial public benefits associated with transparency regarding the source of programming heard or viewed by the American public.

105. *Report to Congress.* The Commission will send a copy of this R&O, including this FRFA, in a report to Congress and the Government Accountability Office pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996. In addition, the Commission will send a copy of the R&O, including the FRFA, to the Chief Counsel for Advocacy of the Small Business Administration. A copy of the R&O and FRFA (or summaries thereof) will also be published in the **Federal Register**.

106. *Federal Rules that May Duplicate, Overlap, or Conflict with the Proposed Rule.* The R&O contains requirements that may somewhat overlap with, but do not duplicate, DOJ rules for labelling of broadcast programming provided by an ''agent of a foreign principal,'' as that term is defined in the Foreign Agents Registration Act.

107. *Ordering Clauses.* Accordingly, *it is ordered* that, pursuant to the authority found in sections 1, 2, 4(i), 4(j), 303(r), 317, 325(c), 403, and 507 of the Communications Act, 47 U.S.C. 151, 152, 154(i), 154(j), 303(r), 317, 325(c), 403, and 508 this Report and Order *is adopted* and shall be effective 30 days after publication in the **Federal Register**.

108. *It is further ordered* that part 73 of the Commission's rules *is amended* as set forth in the Final Rules. The rule changes to § 73.1212 adopted herein contain new or modified information collection requirements subject to OMB review under the Paperwork Reduction Act. The Commission directs the Media Bureau to announce the effective date for those information collections in a document published in the **Federal Register** after the completion of OMB review and directs the Media Bureau to cause § 73.1212 to be revised accordingly.

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

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

List of Subjects in 47 CFR Part 73

Radio, Reporting and recordkeeping requirements, Television.

Federal Communications Commission.

Marlene Dortch,

Secretary.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 155, 301, 303, 307, 309, 310, 334, 336, 339.

■ 2. Amend § 73.1212 by adding paragraphs (j) through (l) to read as follows:

§ 73.1212 Sponsorship identification; list retention; related requirements.

* * * * *

(j)(1)(i) Where the material broadcast consistent with paragraph (a) or (d) of this section has been aired pursuant to the lease of time on the station and has been provided by a foreign governmental entity, the station, at the time of the broadcast, shall include the following disclosure:

> The [following/preceding] programming was [sponsored, paid for, or furnished], either in whole or in part, by [name of foreign governmental entity] on behalf of [name of foreign country].

(ii) If the material broadcast contains a ''conspicuous statement'' pursuant to the Foreign Agents Registration Act of 1938 (FARA) (22 U.S.C. 614(b)), such conspicuous statement will suffice for purposes of this paragraph (j)(1) if the conspicuous statement also contains a disclosure about the foreign country associated with the individual/entity that has sponsored, paid for, or furnished the material being broadcast.

(2) The term ''foreign governmental entity'' shall include governments of foreign countries, foreign political parties, agents of foreign principals, and United States-based foreign media outlets.

(i) The term ''government of a foreign country'' has the meaning given such term in the Foreign Agents Registration Act of 1938 (22 U.S.C. 611(e)).

(ii) The term ''foreign political party'' has the meaning given such term in the Foreign Agents Registration Act of 1938 (22 U.S.C. 611(f)).

(iii) The term ''agent of a foreign principal'' has the meaning given such term in the Foreign Agents Registration Act of 1938 (22 U.S.C. 611(c)), and who is registered as such with the Department of Justice, and whose ''foreign principal'' is a ''government of a foreign country,'' a ''foreign political party,'' or directly or indirectly operated, supervised, directed, owned, controlled, financed, or subsidized by a ''government of a foreign country'' or a ''foreign political party'' as defined in paragraphs (j)(2)(i) and (ii) of this section, and that is acting in its capacity as an agent of such ''foreign principal''.

(iv) The term ''United States-based foreign media outlet'' has the meaning given such term in section 722(a) of the Communications Act of 1934 (47 U.S.C. 624(a)).

(3) The licensee of each broadcast station shall exercise reasonable diligence to ascertain whether the

foreign sponsorship disclosure requirements in paragraph (j)(1) of this section apply at the time of the lease agreement and at any renewal thereof, including:

(i) Informing the lessee of the foreign sponsorship disclosure requirement in paragraph (j)(1) of this section;

(ii) Inquiring of the lessee whether the lessee falls into any of the categories in paragraph (j)(2) of this section that qualify the lessee as a foreign governmental entity;

(iii) Inquiring of the lessee whether the lessee knows if anyone involved in the production or distribution of the programming that will be aired pursuant to the lease agreement, or a sub-lease, qualifies as a foreign governmental entity and has provided some type of inducement to air the programming;

(iv) Independently confirming the lessee's status, by consulting the Department of Justice's FARA website and the Commission's semi-annual U.S.-based foreign media outlets reports, if the lessee states that it does not fall within the definition of ''foreign governmental entity'' and that there is no separate need for a disclosure because no one further back in the chain of producing/transmitting the programming falls within the definition of ''foreign governmental entity'' and has provided an inducement to air the programming; and

(v) Memorializing the inquiries in paragraphs (j)(3)(i) through (iv) of this section to track compliance therewith and retaining such documentation in the licensee's records for either the remainder of the then-current license term or one year, whichever is longer, so as to respond to any future Commission inquiry.

(4) In the case of any video programming, the foreign governmental entity and the country represented shall be identified with letters equal to or greater than four percent of the vertical picture height that air for not less than four seconds.

(5) At a minimum, the announcement required by paragraph (j)(1) of this section shall be made at both the beginning and conclusion of the programming. For programming of greater than sixty minutes in duration, an announcement shall be made at regular intervals during the broadcast, but no less frequently than once every sixty minutes.

(6) Where the primary language of the programming is other than English, the disclosure statement shall be made in the primary language of the programming. If the programming contains a ''conspicuous statement'' pursuant to the Foreign Agents Registration Act of 1938 (22 U.S.C. 614(b)), and such conspicuous statement is in a language other than English so as to conform to the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 *et seq.*), an additional disclosure in English is not needed.

(7) A station shall place copies of the disclosures required by this paragraph (j) and the name of the program to which the disclosures were appended in its online public inspection file on a quarterly basis in a standalone folder marked as ''Foreign Government-Provided Programming Disclosures.'' The filing must state the date and time the program aired. In the case of repeat airings of the program, those additional dates and times should also be included. Where an aural announcement was made, its contents must be reduced to writing and placed in the online public inspection file in the same manner.

(k) The requirements in paragraph (j) of this section shall apply to programs permitted to be delivered to foreign broadcast stations under an authorization pursuant to the section 325(c) of the Communications Act of 1934 (47 U.S.C. 325(c)) if any part of the material has been sponsored, paid for, or furnished for free as an inducement to air on the foreign station by a foreign governmental entity. A section 325(c) permit holder shall place copies of the disclosures required along with the name of the program to which the disclosures were appended in the International Bureau's public filing System (IBFS) under the relevant IBFS section 325(c) permit file. The filing must state the date and time the program aired. In the case of repeat airings of the program, those additional dates and times should also be included. Where an aural announcement was made, its contents must be reduced to writing and placed in the IBFS in the same manner.

(l) Paragraphs (j) and (k) of this section contain information-collection and recordkeeping requirements. Compliance with paragraphs (j) and (k) of this section shall not be required until after review by the Office of Management and Budget. The Commission will publish a document in the **Federal Register** announcing compliance dates and removing this paragraph (l) accordingly.

■ 3. Amend § 73.3526 by adding paragraph (e)(19) to read as follows:

§ 73.3526 Online public inspection file of commercial stations.

* * * * *

(e) * * *

(19) *Foreign sponsorship disclosures.* Documentation sufficient to demonstrate that the station is continuing to meet the requirements set forth at § 73.1212(j)(7).

* * * * *

■ 4. Amend § 73.3527 by adding paragraph (e)(15) to read as follows:

§ 73.3527 Online public inspection file of noncommercial educational stations.

* * * * *

(e) * * *

(15) *Foreign sponsorship disclosures.* Documentation sufficient to demonstrate that the station is continuing to meet the requirements set forth at § 73.1212(j)(7).

* * * * *

[FR Doc. 2021–12207 Filed 6–16–21; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 665

[RTID 0648–XB172]

Pacific Island Fisheries; 2021 Northwestern Hawaiian Islands Lobster Harvest Guideline

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

ACTION: Notification of lobster harvest guideline.

SUMMARY: NMFS establishes the annual harvest guideline for the commercial lobster fishery in the Northwestern Hawaiian Islands (NWHI) for calendar year 2021 at zero lobsters.

DATES: June 17, 2021.

FOR FURTHER INFORMATION CONTACT: Mark R. Fox, NMFS PIR Sustainable Fisheries, tel 808–725–5171.

SUPPLEMENTARY INFORMATION: NMFS manages the NWHI commercial lobster fishery under the Fishery Ecosystem Plan for the Hawaiian Archipelago. The regulations at 50 CFR 665.252(b) require NMFS to publish an annual harvest guideline for lobster Permit Area 1, comprised of Federal waters around the NWHI.

Regulations governing the Papahanaumokuakea Marine National Monument in the NWHI prohibit the unpermitted removal of monument resources (50 CFR 404.7), and establish a zero annual harvest guideline for lobsters (50 CFR 404.10(a)). Accordingly, NMFS establishes the

harvest guideline for the NWHI commercial lobster fishery for calendar year 2021 at zero lobsters. Harvest of NWHI lobster resources is not allowed.

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

Dated: June 14, 2021.

Jennifer M. Wallace,

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

[FR Doc. 2021–12824 Filed 6–16–21; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 86, No. 115
Thursday, June 17, 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 THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[FF09E21000 FXES11110900000 212]

Endangered and Threatened Wildlife and Plants; 90-Day Findings for Two Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notification of petition findings and initiation of status reviews.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce 90-day findings on two petitions to add species to the List of Endangered and Threatened Wildlife under the Endangered Species Act of 1973, as amended (Act). Based on our review, we find that the petitions present substantial scientific or commercial information indicating that the petitioned actions may be warranted. Therefore, with the publication of this document, we announce that we plan to initiate status reviews of the Temblor legless lizard (*Anniella alexanderae*) and Santa Ana speckled dace (*Rhinichthys osculus*) to determine whether the petitioned actions are warranted. To ensure that the status reviews are comprehensive, we are requesting scientific and commercial data and other information regarding the species and factors that may affect their status. Based on the status reviews, we will issue 12-month petition findings, which will address whether or not the petitioned actions are warranted, in accordance with the Act.

DATES: These findings were made on June 17, 2021. As we commence our status reviews, we seek any new information concerning the status of, or threats to, the species or their habitats. Any information we receive during the course of our status reviews will be considered.

ADDRESSES: *Supporting documents:* Summaries of the basis for the petition findings contained in this document are available on *http://www.regulations.gov* under the appropriate docket number (see table under **SUPPLEMENTARY INFORMATION**). In addition, this supporting information is available by contacting the appropriate person, as specified in **FOR FURTHER INFORMATION CONTACT**.

Status reviews: If you have new scientific or commercial data or other information concerning the status of, or threats to, the species for which we are initiating status reviews, please provide those data or information by one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal: *http://www.regulations.gov.* In the Search box, enter the appropriate docket number (see table under **SUPPLEMENTARY INFORMATION**). Then, click on the ''Search'' button. After finding the correct document, you may submit information by clicking on ''Comment Now!'' If your information will fit in the provided comment box, please use this feature of *http://www.regulations.gov,* as it is most compatible with our information review procedures. If you attach your information as a separate document, our preferred file format is Microsoft Word. If you attach multiple comments (such as form letters), our preferred format is a spreadsheet in Microsoft Excel.

(2) *By hard copy:* Submit by U.S. mail to: Public Comments Processing, Attn: [Insert appropriate docket number; see table under **SUPPLEMENTARY INFORMATION**], U.S. Fish and Wildlife Service, MS: PRB/3W, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

We request that you send information only by the methods described above. We will post all information we receive on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us (see Request for Information for Status Reviews, below, for more information).

Species common name	Contact person
Temblor legless lizard	Michael Fris, Project Leader, Sacramento Fish and Wildlife Office, 916–414–6700, *Michael_Fris@fws.gov.*
Santa Ana speckled dace	Scott Sobiech, Field Supervisor, Carlsbad Fish and Wildlife Office, 760–431–9440, *Scott_Sobiech@fws.gov.*

FOR FURTHER INFORMATION CONTACT:

If you use a telecommunications device for the deaf, please call the Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Background

Section 4 of the Act (16 U.S.C. 1533) and its implementing regulations in title 50 of the Code of Federal Regulations (50 CFR part 424) set forth the procedures for adding species to, removing species from, or reclassifying species on the Federal Lists of Endangered and Threatened Wildlife and Plants (Lists or List) in 50 CFR part 17. Section 4(b)(3)(A) of the Act requires that we make a finding on whether a petition to add a species to the List (*i.e.,* ''list'' a species), remove a species from the List (*i.e.,* ''delist'' a species), or change a listed species' status from endangered to threatened or from threatened to endangered (*i.e.,* ''reclassify'' a species) presents substantial scientific or commercial information indicating that the petitioned action may be warranted. To the maximum extent practicable, we are to make this finding within 90 days of our receipt of the petition and publish the finding promptly in the **Federal Register**.

Our regulations establish that substantial scientific or commercial information with regard to a 90-day petition finding refers to credible scientific or commercial information in support of the petition's claims such that a reasonable person conducting an impartial scientific review would conclude that the action proposed in the petition may be warranted (50 CFR 424.14(h)(1)(i)).

A species may be determined to be an endangered species or a threatened species because of one or more of the

five factors described in section 4(a)(1) of the Act (16 U.S.C. 1533(a)(1)). The five factors are:

(a) The present or threatened destruction, modification, or curtailment of its habitat or range (Factor A);

(b) Overutilization for commercial, recreational, scientific, or educational purposes (Factor B);

(c) Disease or predation (Factor C);

(d) The inadequacy of existing regulatory mechanisms (Factor D); and

(e) Other natural or manmade factors affecting its continued existence (Factor E).

These factors represent broad categories of natural or human-caused actions or conditions that could have an effect on a species' continued existence. In evaluating these actions and conditions, we look for those that may have a negative effect on individuals of the species, as well as other actions or conditions that may ameliorate any negative effects or may have positive effects.

We use the term ''threat'' to refer in general to actions or conditions that are known to, or are reasonably likely to, affect individuals of a species negatively. The term ''threat'' includes actions or conditions that have a direct impact on individuals (direct impacts), as well as those that affect individuals through alteration of their habitat or required resources (stressors). The term ''threat'' may encompass—either together or separately—the source of the action or condition, or the action or condition itself. However, the mere identification of any threat(s) may not be sufficient to compel a finding that the information in the petition is substantial information indicating that the petitioned action may be warranted. The information presented in the petition must include evidence sufficient to suggest that these threats may be affecting the species to the point that the species may meet the definition of an endangered species or threatened species under the Act.

If we find that a petition presents such information, our subsequent status review will evaluate all identified threats by considering the individual-, population-, and species-level effects and the expected response by the species. We will evaluate individual threats and their expected effects on the species, then analyze the cumulative effect of the threats on the species as a whole. We also consider the cumulative effect of the threats in light of those actions and conditions that are expected to have positive effects on the species—such as any existing regulatory mechanisms or conservation efforts that may ameliorate threats. It is only after conducting this cumulative analysis of threats and the actions that may ameliorate them, and the expected effect on the species now and in the foreseeable future, that we can determine whether the species meets the definition of an endangered species or threatened species under the Act.

If we find that a petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted, the Act requires that we promptly commence a review of the status of the species, and we will subsequently complete a status review in accordance with our prioritization methodology for 12-month findings (81 FR 49248; July 27, 2016).

Summaries of Petition Findings

The petition findings contained in this document are listed in the table below, and the basis for each finding, along with supporting information, is available on *http://www.regulations.gov* under the appropriate docket number.

TABLE—STATUS REVIEWS

Common name	Docket No.	URL to docket on *http://www.regulations.gov*
Temblor legless lizard	FWS–R8–ES–2021–0024	*https://www.regulations.gov/docket/FWS-R8-ES-2021-0024*.
Santa Ana speckled dace ...	FWS–R8–ES–2021–0023	*https://www.regulations.gov/docket/FWS-R8-ES-2021-0023*.

Evaluation of a Petition To List the Temblor Legless Lizard

Species and Range

Temblor legless lizard (*Anniella alexanderae*); California.

Petition History

On October 20, 2020, we received a petition dated the same, from the Center for Biological Diversity, requesting that we list the Temblor legless lizard as an endangered or threatened species and designate critical habitat for this species under the Act. The petition clearly identified itself as such and included the requisite identification information for the petitioner, required at 50 CFR 424.14(c). This finding addresses the petition.

Finding

Based on our review of the petition and sources cited in the petition, we find that the petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted for the Temblor legless lizard due to potential threats associated with the following: Oil and gas development, urbanization, habitat fragmentation, and industrial solar projects (Factor A); and climate change and wildfires (Factor E). The petition also presented substantial information that existing regulatory mechanisms and conservation measures may be inadequate to address impacts of these threats (Factor D).

The basis for our finding on this petition, and other information regarding our review of the petition, can be found as an appendix at *http://www.regulations.gov* under Docket No. FWS–R8–ES–2021–0024 under Supporting Documents.

Evaluation of a Petition To List the Santa Ana Speckled Dace

Species and Range

Speckled dace (*Rhinichthys osculus*); Southern California.

Petition History

On May 11, 2020, we received a petition dated the same, from the Center for Biological Diversity, requesting that we list the Southern California population of the speckled dace (Santa Ana speckled dace), either as a taxonomically defined species or as a distinct population segment under our Policy Regarding the Recognition of Distinct Vertebrate Population Segments Under the Endangered Species Act (61 FR 4722; February 7, 1996), as an endangered or threatened species and designate critical habitat for this species under the Act. The petition clearly identified itself as such and included the requisite identification information for the petitioner, required at 50 CFR 424.14(c). This finding addresses the petition.

Finding

Based on our review of the petition and sources cited in the petition, we find that the petition presents substantial scientific or commercial

information indicating the petitioned entity (Santa Ana speckled dace) may be a distinct population segment (DPS) and that the petitioned action may be warranted due to potential threats associated with the following: Dams, reservoirs, and water diversions; barriers to migration and movement; roads; pollution; mining; concentrated recreational use; and off-road vehicle use (Factor A); predation (Factor C); and drought, wildfires and flooding, introduced species, climate change, and population fragmentation (Factor E). We further find that the petition presents substantial scientific or commercial information indicating that existing regulatory mechanisms may be inadequate to fully ameliorate the identified threats (Factor D), although there is also information indicating that these regulatory mechanisms and other conservation efforts provide some protection to the Santa Ana speckled dace.

The basis for our finding on this petition, and other information regarding our review of the petition, can be found as an appendix at *http://www.regulations.gov* under Docket No. FWS–R8–ES–2021–0023 under the Supporting Documents section.

Conclusion

On the basis of our evaluation of the information presented in the petitions under sections 4(b)(3)(A) and 4(b)(3)(D)(i) of the Act, we have determined that the petitions summarized above for the Temblor legless lizard and Santa Ana speckled dace present substantial scientific or commercial information indicating that the petitioned actions may be warranted. We are, therefore, initiating status reviews of these species to determine whether the actions are warranted under the Act. At the conclusion of the status reviews, we will issue findings, in accordance with section 4(b)(3)(B) of the Act, as to whether the petitioned actions are not warranted, warranted, or warranted but precluded by pending proposals to determine whether any species is an endangered species or a threatened species.

Request for Information for Status Reviews

When we make a finding that a petition presents substantial information indicating that listing, delisting, or reclassification of a species may be warranted, we are required to review the status of the species (a status review). For the status review to be complete and based on the best available scientific and commercial information, we request information on the species from governmental agencies, Native American Tribes, the scientific community, industry, and any other interested parties. We seek information on:

(1) The species' biology, range, and population trends, including:

(a) Habitat requirements;

(b) Genetics and taxonomy;

(c) Historical and current range, including distribution patterns; and

(d) Historical and current population levels and current and projected trends.

(2) The five factors described in section 4(a)(1) of the Act (see Background, above) that are the basis for making a listing, delisting, or reclassification determination for a species under section 4(a) of the Act, including past and ongoing conservation measures that could decrease the extent to which one or more of the factors affect the species, its habitat, or both.

(3) The potential effects of climate change on the species and its habitat, and the extent to which it affects the habitat or range of the species.

Submissions merely stating support for or opposition to the actions under consideration without providing supporting information, although noted, will not be considered in making a determination. Section 4(b)(1)(A) of the Act directs that determinations as to whether any species is an endangered or threatened species must be made ''solely on the basis of the best scientific and commercial data available.''

You may submit your information concerning the status review by one of the methods listed in **ADDRESSES**. If you submit information via *http://www.regulations.gov,* your entire submission—including any personal identifying information—will be posted on the website. If you submit a hardcopy that includes personal identifying information, you may request at the top of your document that we withhold this personal identifying information from public review. However, we cannot guarantee that we will be able to do so. We will post all hardcopy submissions on *http://www.regulations.gov.*

It is important to note that the standard for a 90-day finding differs from the Act's standard that applies to a status review to determine whether a petitioned action is warranted. In making a 90-day finding, we consider information in the petition and sources cited in the petition, as well as information that is readily available, and we evaluate merely whether that information constitutes ''substantial information'' indicating that the petitioned action ''may be warranted.'' In a 12-month finding, we must complete a thorough status review of the species and evaluate the ''best scientific and commercial data available'' to determine whether a petitioned action ''is warranted.'' Because the Act's standards for 90-day and 12-month findings are different, a substantial 90-day finding does not mean that the 12-month finding will result in a ''warranted'' finding.

Authors

The primary authors of this document are staff members of the Ecological Services Program, U.S. Fish and Wildlife Service.

Authority

The authority for these actions is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Martha Williams,

Principal Deputy Director, Exercising the Delegated Authority of the Director, U.S. Fish and Wildlife Service.

[FR Doc. 2021–12814 Filed 6–16–21; 8:45 am]

BILLING CODE 4333–15–P

Notices

Federal Register
Vol. 86, No. 115
Thursday, June 17, 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

Submission for OMB Review; Comment Request

June 14, 2021.

The Department of Agriculture has submitted the following information collection requirement(s) to Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding: Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by July 19, 2021 will be considered. 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.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Rural Utilities Service

Title: Assistance to High Energy Cost Grants Rural Communities.

OMB Control Number: 0572–0136.

Summary of Collection: The Rural Electrification Act of 1936 (RE Act) (7 U.S.C. 901 *et seq.*) as amended in November 2000, to create new grant and loan authority to assist rural communities with extremely high energy costs (Pub. L. 106–472). The amendment authorized the Secretary of the U.S. Department of Agriculture through Rural Development to provide competitive grants for energy generation, transmission, or distribution facilities serving communities in which the national average residential expenditure for home energy is at least 275 percent of the national average residential expenditure for home energy. All applicants are required to submit a project proposal containing the elements in the prescribed format.

Need and Use of the Information: Information is collected by the Rural Utility Service from applicants to confirm that the eligibility requirements and the proposals are consistent with the purposes set forth in the statute. Various forms and progress reports are used to monitor compliance with grant agreements, track expenditures of Federal funds and measure the success of the program. Without collecting the listed information, USDA will not be assured that the projects and communities served meet the statutory requirements for eligibility or that the proposed projects will deliver the intended benefits.

Description of Respondents: Not-for-profit institutions; State, Local or Tribal Government.

Number of Respondents: 100.

Frequency of Responses: Recordkeeping: Reporting: On occasion.

Total Burden Hours: 1,172.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2021–12757 Filed 6–16–21; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comments Requested

June 14, 2021.

The Department of Agriculture will submit the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13 on or after the date of publication of this notice. Comments are requested regarding: Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments regarding these information collections are best assured of having their full effect if received by July 19, 2021. 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.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Agricultural Marketing Service

Title: Regulations for the Inspection of Eggs.

OMB Control Number: 0581–0113.

Summary of Collection: Congress enacted the Egg Products Inspection Act

(21 U.S.C. 1031–1056) (EPIA) to provide a mandatory inspection program to assure egg products are processed under sanitary conditions, are wholesome, unadulterated, and properly labeled; to control the disposition of dirty and checked shell eggs; to control unwholesome, adulterated, and inedible egg products and shell eggs that are unfit for human consumption; and to control the movement and disposition of imported shell eggs and egg products that are unwholesome and inedible. Regulations developed under 7 CFR part 57 provide the requirements and guidelines for the Department and industry needed to obtain compliance. The Agricultural Marketing Service (AMS) will collect information using several forms. Forms used to collect information provide method for measuring workload, record of compliance and non-compliance and a basis to monitor the utilization of funds.

Need and Use of the Information: AMS will use the information to assure compliance with the Act and regulations, to take administrative and regulatory action and to develop and revise cooperative agreements with the States, which conduct surveillance inspections of shell egg handlers and processors. If the information is not collected, AMS would not be able to control the processing, movement, and disposition of restricted shell eggs and egg products and take regulatory action in case of noncompliance.

Description of Respondents: Business or other for-profit; Federal Government; State, Local or Tribal Government.

Number of Respondents: 805.

Frequency of Responses: Recordkeeping: Reporting: On occasion; Quarterly.

Total Burden Hours: 1,942.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2021–12758 Filed 6–16–21; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

Notice of Request for Revision of a Currently Approved Information Collection

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces that the Foreign Agricultural Service (FAS) intends to request a revision of a currently approved information collection for entry of specialty sugars into the United States.

DATES: Comments should be received on or before August 16, 2021 to be assured of consideration.

ADDRESSES: FAS invites interested persons to submit comments on this notice by any of the following methods:

- *Federal eRulemaking Portal:* This website provides the ability to type short comments directly into the comment field or attach a file for lengthier comments. Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail, hand delivery, or courier:* William Janis, International Economist, Multilateral Affairs Division, Trade Policy and Geographic Affairs, Foreign Agricultural Service, U.S. Department of Agriculture, Room 5550, Stop 1070, 1400 Independence Ave. SW, Washington, DC 20250–1070;
- *Email: William.Janis@usda.gov.* Include OMB Number 0551–0025 in the subject line of the message.

All comments submitted must include the agency name and OMB Number 0551–0025. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, online at *http://www.regulations.gov* and at the mail address listed above between 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays.

Persons with disabilities who require an alternative means of communication of information (*e.g.,* Braille, large print, audiotape, etc.) should contact Angela Ubrey (Human Resources, 202–772–4836) or Jeffrey Galloway (Office of Civil Rights, 202–690–1399).

FOR FURTHER INFORMATION CONTACT: William Janis at the address stated above or telephone at (202) 720–2194 or by email at *William.Janis@usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: Specialty Sugar Certificate Application.

OMB Number: 0551–0025.

Expiration Date of Approval: August 31, 2021.

Type of Request: Revision of a currently approved information collection.

Abstract: The quota system established by Presidential Proclamation 4941 of May 5, 1982, prevented imports of certain sugars used for specialized purposes which originated in countries without quota allocations. Therefore, the regulation at 15 CFR part 2011 (Allocation of Tariff-Rate Quota on Imported Sugars, Syrups and Molasses, subpart B—Specialty Sugar) established terms and conditions under which certificates are issued permitting U.S. importers holding certificates to enter specialty sugars from specialty sugar source countries under the sugar tariff-rate quotas (TRQ). Nothing in this subpart affects the ability to enter specialty sugars at the over-TRQ duty rates. Applicants for certificates for the import of specialty sugars must supply the information required by 15 CFR 2011.205 to be eligible to receive a specialty sugar certificate. The specific information required on an application must be collected from those who wish to participate in the program in order to grant specialty sugar certificates, ensure that imported specialty sugar does not disrupt the current domestic sugar program, and administer the issuance of the certificates effectively.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 2 hours per response.

Respondents: Importers.

Estimated Number of Respondents: 60.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 120 hours.

Request for Comments: The public is invited to submit comments and suggestions on all aspects of this information collection to help us to: (1) Evaluate whether the collection of information is necessary for the proper performance of FAS's functions, including whether the information will have practical utility; (2) Evaluate the accuracy of FAS's estimate of burden including the validity of the methodology and assumptions used; (3) Enhance the quality, utility and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Copies of this information collection can be obtained from Ronald Croushorn, the Agency Information Collection Coordinator, at (202) 720–3038 or e-mail at *Ron.Croushorn@usda.gov.*

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be summarized and included in the submission for Office of Management and Budget approval.

E-Government Act Compliance

FAS 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.

Daniel Whitley,

Acting Administrator, Foreign Agricultural Service.

[FR Doc. 2021–12735 Filed 6–16–21; 8:45 am]

BILLING CODE 3410–10–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of a Public Meeting of the Maine Advisory Committee

AGENCY: Commission on Civil Rights.

ACTION: Announcement of a public meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that the Maine State Advisory Committee to the Commission will hold a virtual meeting on Thursday, July 15, 2021, at 12:00 p.m. (ET) for the purpose of discussing next steps for its digital equity project.

DATES: July 15, 2021, Thursday at 12:00 p.m. (ET):

- To join by web conference: *https://bit.ly/3xelD3O.*
- To join by phone only, dial 1–800–360–9505; Access code: 199 929 4603.

FOR FURTHER INFORMATION CONTACT: Barbara de La Viez at *bdelaviez@usccr.gov* or by phone at (202) 539–8246.

SUPPLEMENTARY INFORMATION: These meetings are available to the public through the WebEx link above. If joining only via phone, callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Individuals who are deaf, deafblind and hard of hearing. may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the call-in number found through registering at the web link provided for these meetings.

Members of the public are entitled to make comments during the open period at the end of the meetings. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be emailed to Barbara de La Viez at *bdelaviez@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit at (202) 539–8246. Records and documents discussed during the meetings will be available for public viewing as they become available at *www.facadatabase.gov.* Persons interested in the work of this advisory committee are advised to go to the Commission's website, *www.usccr.gov,* or to contact the Regional Programs Unit at the above phone number or email address.

Agenda

Thursday, July 15, 2021, at 12:00 p.m. (ET)

I. Welcome and Roll Call
II. Report Update: Digital Equity in Maine
III. Public Comment
IV. Next Steps
V. Adjournment

Dated: June 14, 2021.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2021–12826 Filed 6–16–21; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Mississippi Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Mississippi Advisory Committee (Committee) will hold a meeting via web conference on Thursday, July 22, 2021 at 10:00 a.m. Central Time. The purpose of the meeting is to review and take a final vote on the Committee's report on civil rights and the qualified immunity of law enforcement in Mississippi.

DATES: The meeting will be held on Thursday, July 22, 2021 from 10:00 a.m.–11:00 a.m. Central Time.

Online Registration (audio/visual): https://bit.ly/3wcA6gx.

Telephone Access (audio only): 800 360 9505; Access Code: 199 695 1815.

FOR FURTHER INFORMATION CONTACT: Melissa Wojnaroski, DFO, at *mwojnaroski@usccr.gov* or (202) 618–4158.

SUPPLEMENTARY INFORMATION: Members of the public may listen to this discussion through the above call in number. An open comment period will be provided to allow members of the public to make a statement as time allows. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Individuals who are deaf, deafblind and hard of hearing may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to submit written comments; the comments must be received by the regional office within 30 days following the meeting. Written comments may be emailed to Corrine Sanders at *csanders@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit at (312) 353–8311.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Unit Office, as they become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Mississippi Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Unit at the above email address.

Agenda

I. Welcome & Roll Call
II. Report: Civil Rights and the Qualified Immunity of Law Enforcement Officers in Mississippi
III. Public Comment
IV. Adjournment

Dated: June 14, 2021.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2021–12829 Filed 6–16–21; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meetings of the New Jersey Advisory Committee; (1) Cancellation of Meeting Date and (2) Change of Meeting Date

AGENCY: Commission on Civil Rights.

ACTION: Notice; (1) cancellation of meeting date and (2) change of meeting date.

SUMMARY: The Commission on Civil Rights published a notice in the **Federal Register** concerning meetings of the New Jersey Advisory Committee. The meeting scheduled for Friday, June 18, 2021 at 1:00 p.m. (ET) is cancelled. The meeting scheduled for Wednesday, September 1 at 1:00 p.m. (ET) is changed to Thursday, September 2 at 1:00 p.m. (ET).

FOR FURTHER INFORMATION CONTACT: Evelyn Bohor, (202) 921–2212, *ebohor@usccr.gov.*

SUPPLEMENTARY INFORMATION: The notice is in the **Federal Register** of Thursday, February 11, 2021, in FR Doc. 2021–02797, in the second and third columns of page 9049.

Dated: June 14, 2021.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2021–12827 Filed 6–16–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–46–2021]

Foreign-Trade Zone (FTZ) 98—Birmingham, Alabama; Notification of Proposed Production Activity, Mercedes-Benz U.S. International, Inc., (Electric Motor Vehicles and Battery Assemblies), Vance and Woodstock, Alabama

Mercedes-Benz U.S. International, Inc. (MBUSI) submitted a notification of proposed production activity to the FTZ Board for its facilities in Vance and Woodstock, Alabama. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on June 10, 2021.

MBUSI already has authority to produce passenger motor vehicles within Subzone 98A. The current request would add two finished products and various foreign status materials/components to the scope of authority. Pursuant to 15 CFR 400.14(b), additional FTZ authority would be limited to the specific foreign-status materials/components and specific finished products described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt MBUSI from customs duty payments on the foreign-status materials/components used in export production. On its domestic sales, for the foreign-status materials/components noted below and in the existing scope of authority, MBUSI would be able to choose the duty rates during customs entry procedures that apply to electric passenger motor vehicles and advanced lithium-ion battery assemblies (duty rate ranges from 2.5% to 3.4%). MBUSI would be able to avoid duty on foreign-status components which become scrap/waste. Customs duties also could possibly be deferred or reduced on foreign-status production equipment.

The materials/components sourced from abroad include: Sealing agents; thermal compounds; information labels; elastomer-molded seals; plastic components (cable straps; insulating plates; nuts; spacers; rivets; insulation); steel U-bolts; screws (steel; threaded; hex; rounded head; thread grooving with collars; rounded head); hex bolts; assemblies (washer; battery ventilation); threaded nuts; clip-type nuts; aluminum components (flange gaskets; panel substructures); lithium-ion cell blocks; lithium-ion batteries; battery housings; rupture disks; series resistors; high voltage battery fuse links; battery fuse links; pyrotechnical switches; contactors; electrical relays; carrier plates; high voltage plugs; junction boxes; busbar controllers; busbars; battery management units; battery cell monitor units; control unit DC/DC-converters; electrical wiring harnesses; battery substructure covers; housing covers; moisture wicking non-electric air driers; cable ducts; coolant lines; electrical wiring harnesses with cable ducts; steel service cover plates for battery access; and, battery sensors (duty rate ranges from duty-free to 8.5%). The request indicates that certain materials/components are subject to duties under Section 232 of the Trade Expansion Act of 1962 (Section 232) or Section 301 of the Trade Act of 1974 (Section 301), depending on the country of origin. The applicable Section 232 and Section 301 decisions require subject merchandise to be admitted to FTZs in privileged foreign status (19 CFR 146.41).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: *ftz@trade.gov*. The closing period for their receipt is July 27, 2021.

A copy of the notification will be available for public inspection in the ''Reading Room'' section of the Board's website, which is accessible via *www.trade.gov/ftz*.

For further information, contact Juanita Chen at *juanita.chen@trade.gov* or 202–482–1378.

Dated: June 14, 2021.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2021–12803 Filed 6–16–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–10–2021]

Foreign-Trade Zone (FTZ) 49—Newark and Elizabeth, New Jersey; Authorization of Production Activity, Celgene Corporation (Biopharmaceuticals), Warren and Summit, New Jersey

On February 12, 2021, Celgene Corporation submitted a notification of proposed production activity to the FTZ Board for its facilities within Subzone 49U, in Warren and Summit, New Jersey.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (86 FR 11496, February 25, 2021). On June 14, 2021, the applicant was notified of the FTZ Board's decision that no further review of the activity is warranted at this time. The production activity described in the notification was authorized, subject to the FTZ Act and the FTZ Board's regulations, including Section 400.14.

Dated: June 14, 2021.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2021–12806 Filed 6–16–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–12–2021]

Foreign-Trade Zone (FTZ) 5—Seattle, Washington; Authorization of Production Activity; Juno Therapeutics, Inc. (Biopharmaceuticals), Bothell, Washington

On February 12, 2021, Juno Therapeutics, Inc., submitted a notification of proposed production activity to the FTZ Board for its facility within Subzone 5C, in Bothell, Washington.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (86 FR 11921, March 1,

2021). On June 14, 2021, the applicant was notified of the FTZ Board's decision that no further review of the activity is warranted at this time. The production activity described in the notification was authorized, subject to the FTZ Act and the FTZ Board's regulations, including Section 400.14.

Dated: June 14, 2021.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2021–12808 Filed 6–16–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–08–2021]

Foreign-Trade Zone (FTZ) 204—Tri-Cities, Tennessee; Authorization of Production Activity, Eastman Chemical Company, (Plastics), Kingsport, Tennessee

On February 12, 2021, Eastman Chemical Company submitted a notification of proposed production activity to the FTZ Board for its facility within FTZ 204, in Kingsport, Tennessee.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (86 FR 11222, February 24, 2021). On June 14, 2021, the applicant was notified of the FTZ Board's decision that no further review of the activity is warranted at this time. The production activity described in the notification was authorized, subject to the FTZ Act and the FTZ Board's regulations, including Section 400.14.

Dated: June 14, 2021.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2021–12804 Filed 6–16–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[Application No. 19–1A001]

Export Trade Certificate of Review

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Issuance of an Amended Export Trade Certificate of Review to National Pecan Shellers Association (''NPSA''), Application Number 19–1A001.

SUMMARY: The Secretary of Commerce, through the Office of Trade and Economic Analysis (''OTEA''), issued an Export Trade Certificate of Review to NPSA on June 7, 2021.

FOR FURTHER INFORMATION CONTACT: Joseph Flynn, Director, OTEA, International Trade Administration, by telephone at (202) 482–5131 (this is not a toll-free number) or email at *etca@trade.gov.*

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. Sections 4001–21) (''the Act'') authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. An Export Trade Certificate of Review protects the holder and the members identified in the Certificate from State and Federal government antitrust actions and from private treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. The regulations implementing Title III are found at 15 CFR part 325. OTEA is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Secretary of Commerce to publish a summary of the certification in the **Federal Register**. Under Section 305(a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

Description of Certified Conduct

NPSA's Export Trade Certificate of Review was amended as follows:

1. Added the following entities as new exporting Members of the Certificate within the meaning of section 325.2(l) of the Regulations (15 CFR 325.2(l)):

a. Easterlin Pecan Co, Montezuma, Georgia

b. La Nogalera USA Inc., El Paso, Texas

2. Added the following entities as new non-exporting Members of the Certificate within the meaning of section 325.2(l) of the Regulations (15 CFR 325.2(l)):

a. Pecan Export Trade Council, Atlanta, Georgia

b. The Kellen Company, Atlanta, Georgia

3. Changed the name of the following Member of the Certificate:

a. San Saba Pecan, LP changes to Chase Pecan, LP

4. Corrected the name of the following Member of the Certificate:

a. Diamond Food, LLC changes to Diamond Foods, LLC

Updated List of Members (Within the Meaning of Section 325.2(*l*) of the Regulations (15 CFR 325.2(l))

Exporting Members

- Arnco, Inc. dba Carter Pecan, Panama City Beach, Florida
- Chase Farms, LLC, Artesia, New Mexico
- Chase Pecan, LP, San Saba, Texas
- Diamond Foods, LLC, Stockton, California
- Easterlin Pecan Co, Montezuma, Georgia
- Green Valley Company, Sauharita, Arizona
- Hudson Pecan Co., Inc., Ocilla, Georgia
- La Nogalera USA Inc., El Paso, Texas
- Lamar Pecan Company, Hawkinsville, Georgia
- Navarro Pecan Company, Corsicana, Texas
- Pecan Grove Farms, Dallas, Texas
- South Georgia Pecan Company, Valdosta, Georgia

Non-Exporting Members

- Pecan Export Trade Council, Atlanta, Georgia
- The Kellen Company, Atlanta, Georgia (Independent Third Party)

The effective date of the amended certificate is February 8, 2021, the date on which NPSA's application to amend was deemed submitted.

Dated: June 14, 2021.

Joseph Flynn,

Director, Office of Trade and Economic Analysis, International Trade Administration, U.S. Department of Commerce.

[FR Doc. 2021–12830 Filed 6–16–21; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB161]

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 application from the Northeast Fisheries Science Center contains all 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 July 2, 2021.

ADDRESSES: You may submit written comments by the following method:

• *Email: NMFS.GAR.EFP@noaa.gov.* Include in the subject line ''Comments on NEFSC Ropeless Fishing EFP.'' If you are unable to submit comments via the above email, please contact Laura Hansen at (978) 281–9225, or email at *Laura.Hansen@noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Laura Hansen, Fishery Management Specialist, (978) 281–9225.

SUPPLEMENTARY INFORMATION: The Northeast Fisheries Science Center (NEFSC) submitted a complete application for an Exempted Fishing Permit (EFP) on February 19, 2021, to continue a ropeless lobster gear testing project. NEFSC is requesting an exemption from Federal lobster regulations that would authorize eight federally-permitted commercial lobster vessels to participate in a ropeless lobster gear study in inshore and offshore areas. NEFSC is requesting an exemption from the gear marking requirements at 50 CFR 697.21(b)(2) to allow for the use of no surface markers and/or a single buoy marker on a trawl of more than three traps.

The purpose of this study is to test a prototype ropeless fishing system as a potential technique to prevent entanglements of protected species, primarily North Atlantic right whales.

The EFP would authorize eight participating vessels to modify some of their existing trawls, consisting of 10–20 traps for inshore vessels and 35–45 traps for offshore vessels. Experimental trawls would either have a rope spool, a buoy and stowed rope system, or a lift bag system fitted with an acoustic release, deployed on one end of the trawl with a buoy line attached to the other. Soak time would be between 4–8 days, but may be modified depending on what each fisherman decides is appropriate for fishing. Sampling would occur year-round from July 2021 through July 2022 inshore and offshore in Lobster Management Areas (LMA) 1, 2, 3, and Outer Cape. This phase of the project is intended to resolve mechanical and operational problems highlighted by previous trials. Ideally, a NEFSC technician will be on board. If not, participants will use a GoPro System or an equivalent (or better) electronic monitoring program aimed at the relevant area to record the success and/or failures of some or all of the retrievals for review at a later time. NEFSC estimated there would be approximately 30 trips. Sixteen experimental trawls will be tested in LMA 3, 12 trawls in LMA 2, and 16 trawls in LMA 1.

If approved, the applicant may request minor modifications and extensions to the EFP throughout the year. We may grant EFP modifications and extensions 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. The EFP would prohibit any fishing activity conducted outside the scope of the exempted fishing activities.

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

Dated: June 14, 2021.

Jennifer M. Wallace,

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

[FR Doc. 2021–12825 Filed 6–16–21; 8:45 am]

BILLING CODE 3510–22–P

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

TIME AND DATE: 10:00 a.m. EDT, Thursday, June 24, 2021.

PLACE: Virtual meeting.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Examinations and enforcement matters. In the event that the time, date, or location of this meeting changes, an announcement of the change, along with the new time, date, and/or place of the meeting will be posted on the Commission's website at *https://www.cftc.gov/.*

CONTACT PERSON FOR MORE INFORMATION: Christopher Kirkpatrick, 202–418–5964.

Authority: 5 U.S.C. 552b.

Dated: June 15, 2021.

Christopher Kirkpatrick,

Secretary of the Commission.

[FR Doc. 2021–12975 Filed 6–15–21; 4:15 pm]

BILLING CODE 6351–01–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Application Package for AmeriCorps Seniors Applications Instructions, Progress Reporting, Independent Living, and Respite Surveys

AGENCY: Corporation for National and Community Service.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Corporation for National and Community Service (operating as AmeriCorps) is proposing to renew an information collection.

DATES: Written comments must be submitted to the individual and office listed in the **ADDRESSES** section by August 16, 2021.

ADDRESSES: You may submit comments, identified by the title of the information collection activity, by any of the following methods:

(1) *By mail sent to:* AmeriCorps, Attention Robin Corindo, Deputy Director, AmeriCorps Seniors, 250 E Street SW, Washington, DC 20525.

(2) By hand delivery or by courier to the AmeriCorps mailroom at the mail address given in paragraph (1) above, between 9:00 a.m. and 4:00 p.m. Eastern Time, Monday through Friday, except federal holidays.

(3) Electronically through *www.regulations.gov.*

Comments submitted in response to this notice may be made available to the public through *regulations.gov.* For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. If you send an email comment, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comment that may be made available to the public, notwithstanding the inclusion of the routine notice.

FOR FURTHER INFORMATION CONTACT: Robin Corindo, 202–489–5578, or by email at *RCorindo@cns.gov.*

SUPPLEMENTARY INFORMATION:

Title of Collection: Application Instructions and Progress Reporting.

OMB Control Number: 3045–0035.

Type of Review: Renewal.

Respondents/Affected Public: Businesses and Organizations OR State, Local or Tribal Governments.

Total Estimated Number of Annual Responses: 1,250.

Total Estimated Number of Annual Burden Hours: 17,820 hours.

Abstract: The AmeriCorps Seniors Grant Application is for use by prospective and existing sponsors of AmeriCorps Seniors projects under the AmeriCorps Seniors RSVP (RSVP), AmeriCorps Seniors Foster Grandparent Program (FGP), AmeriCorps Seniors Senior Companion Program (SCP), and AmeriCorps Seniors Demonstration Project (SDP). The Project Progress Report, Project Progress Report Lite, and Project Report Supplement will be used to report progress toward accomplishing work plan goals and objectives, reporting volunteer and service outputs, reporting actual outcomes related to self-nominated performance measures, meeting challenges encountered, describing significant activities, and requesting technical assistance. The Application Instructions and PPR, PPR-Lite, and PRS forms in this package conform to eGrants. AmeriCorps' web-based electronic grants management system. The SCP Independent Living Survey and SCP Respite Survey instruments collect information from a sample of Senior Companion clients and caregivers. The purpose of the surveys is to assess the feasibility of conducting a longitudinal, quasi-experimental evaluation of the impact of independent living and respite services on clients' social ties and perceived social support. The results of the surveys may also be used to inform the feasibility of using a similar instrument to measure client and caregiver outcomes for an evaluation of RSVP. AmeriCorps also seeks to continue using the currently approved information collection until the revised information collection is approved by OMB. The currently approved information collection is due to expire on 12/31/21.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information. All written comments will be available for public inspection on *regulations.gov.*

Dated: June 14, 2021.

Atalaya Jones Sergi,

Director, AmeriCorps Seniors.

[FR Doc. 2021–12802 Filed 6–16–21; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Record of Decision for the B–21 Main Operating Base 1 Beddown at Dyess AFB, Texas or Ellsworth AFB, South Dakota Environmental Impact Statement

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Notice of availability of Record of Decision.

SUMMARY: On June 3, 2021, the Department of the Air Force (DAF) signed the Record of Decision (ROD) for the Environmental Impact Statement B–21 Main Operating Base (MOB) 1 Beddown at Dyess AFB, Texas or Ellsworth AFB, South Dakota.

ADDRESSES: Ms. Julianne Turko, AFCEC/CZN, 2261 Hughes Avenue, Suite 155, JBSA-Lackland Air Force Base, Texas 78236–9853, (210) 295–3777, *julianne.turko.1@us.af.mil.*

SUPPLEMENTARY INFORMATION: The DAF will beddown the B–21 MOB 1 under the USAF Global Strike Command at Ellsworth AFB, South Dakota. The B–21 MOB 1 beddown will include construction, demolition, and renovation of various facilities and infrastructure projects on Ellsworth AFB, including the construction of a Weapons Generation Facility (WGF) at the South WGF Site location. The DAF decision documented in the ROD was based on matters discussed in the Final Environmental Impact Statement, inputs from Native American Tribes, members of the public, and regulatory agencies, and other relevant factors. The Final Environmental Impact Statement was made available to the public on March 19, 2021 through a Notice of Availability in the **Federal Register** (Volume 86, Number 52, pages 14908–14909) with a waiting period that ended on April 19, 2021.

Authority: This Notice of Availability is published pursuant to the regulations (40 CFR part 1506.6) implementing the provisions of the National Environmental Policy Act (42 U.S.C. 4321, *et seq.*) and the Air Force's Environmental Impact Analysis Process (32 CFR parts 989.21(b) and 989.24(b)(7)).

Adriane Paris,

Acting Air Force Federal Register Liaison Officer.

[FR Doc. 2021–12724 Filed 6–16–21; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2021–SCC–0091]

Agency Information Collection Activities; Comment Request; the College Assistance Migrant Program (CAMP) Annual Performance Report (APR)

AGENCY: Office of Elementary and Secondary Education (OESE), 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 August 16, 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–0091. 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 Christopher Hill, 202–453–6061.

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: The College Assistance Migrant Program (CAMP) Annual Performance Report (APR).

OMB Control Number: 1810–0727.

Type of Review: An extension without change of a currently approved collection.

Respondents/Affected Public: State, Local and Tribal Governments.

Total Estimated Number of Annual Responses: 50.

Total Estimated Number of Annual Burden Hours: 1,150.

Abstract: This is a request for an extension without change for the 1810–0727 College Assistance Migrant Program (CAMP) Annual Performance Report collection. The Office of Migrant Education (OME) is collecting information for the CAMP which is authorized under Title IV, Section 418A of the Higher Education Act of 1965, as amended by Section 408 of the Higher Education Opportunity Act (HEOA)(20 U.S.C. 1070d–2) (special programs for students whose families are engaged in migrant and seasonal farmwork) and 2 CFR 200.328 which requires that recipients of discretionary grants submit an Annual Performance Report (APR) to best inform improvements in program outcomes and productivity.

Although the Education Department continues to use the generic 524B, OME is requesting to continue the use of a customized APR that goes beyond the generic 524B APR to facilitate the collection of more standardized and comprehensive data to inform Government Performance Results Act (GPRA) indicators, to improve the overall quality of data collected, and to increase the quality of data that can be used to inform policy decisions.

Dated: June 14, 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. 2021–12823 Filed 6–16–21; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2021–SCC–0090]

Agency Information Collection Activities; Comment Request; High School Equivalency Program (HEP) Annual Performance Report

AGENCY: Office of Elementary and Secondary Education (OESE), 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 August 16, 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–0090. 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 Christopher Hill, 202–453–6061.

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: High School Equivalency Program (HEP) Annual Performance Report.

OMB Control Number: 1810–0684.

Type of Review: An extension without change of a currently approved collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 51.

Total Estimated Number of Annual Burden Hours: 1,173.

Abstract: This is a request for an extension without change for the 1810–0684 High School Equivalency Program (HEP) Annual Performance Report collection. The Office of Migrant Education (OME) is collecting information for the High School Equivalency Program (HEP) which is authorized under Title IV, Section 418A of the Higher Education Act of 1965, as amended by Section 408 of the Higher Education Opportunity Act (HEOA)(20 U.S.C. 1070d–2) (special programs for students whose families are engaged in migrant and seasonal farmwork) and 2 CFR 200.328 which requires that recipients of discretionary grants submit an Annual Performance Report (APR) to best inform improvements in program outcomes and productivity.

Although the Education Department continues to use the generic 524B, OME is requesting to continue the use of a customized APR that goes beyond the generic 524B APR to facilitate the collection of more standardized and comprehensive data to inform Government Performance Results Act (GPRA) indicators, to improve the overall quality of data collected, and to increase the quality of data that can be used to inform policy decisions.

Dated: June 14, 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. 2021–12773 Filed 6–16–21; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Early Implementation of the FAFSA Simplification Act's Removal of Requirements for Title IV Eligibility Related to Selective Service Registration and Drug-Related Convictions

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Notice.

SUMMARY: The U.S. Department of Education (Department) publishes this notice, as required by the FAFSA Simplification Act (Act), which was enacted into law as part of the Consolidated Appropriations Act, 2021, of early implementation of the Act's removal of requirements for Title IV eligibility related to Selective Service registration and drug-related convictions.

DATES:

Effective date: June 17, 2021.

Implementation date: August 16, 2021.

FOR FURTHER INFORMATION CONTACT: Aaron Washington, U.S. Department of Education, 400 Maryland Ave. SW, Room 2C182, Washington, DC 20202. Telephone: (202) 453–7241. Email: *Aaron.Washington@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service, toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: The Department publishes this notice, as required by the Act, of early implementation of the Act's removal of requirements for Title IV eligibility related to Selective Service registration and drug-related convictions. A Dear Colleague Letter issued by the Department on June 11, 2021, providing information regarding the early implementation of the Act's removal of these requirements, including actions institutions must take as these changes are implemented in phases across award years 2021–2022, 2022–2023, and 2023–2024, is available in the Appendix of this notice.

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, or compact disc, or other accessible format.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Tiwanda Burse,

Deputy Assistant Secretary for Management & Planning, Office of Postsecondary Education.

Appendix—DCL ID: GEN–21–xx

Subject: Early Implementation of the FAFSA Simplification Act's Removal of Selective Service and Drug Conviction Requirements for Title IV Eligibility.

Summary: This letter provides information about the early implementation of the FAFSA Simplification Act's removal of Selective Service and drug conviction requirements for Title IV eligibility, as well as actions that institutions must take as these changes are implemented in phases across award years 2021–2022, 2022–2023, and 2023–2024. Certain other aspects of the law being implemented are discussed in separate communications.

Dear Colleague:

On December 27, 2020, the *FAFSA Simplification Act* (Act) was enacted into law as part of the *Consolidated Appropriations Act, 2021.* The Act makes many important changes to the *Higher Education Act of 1965* (HEA) and the Free Application for Federal Student Aid (FAFSA®). Two changes referred to by this DCL include amending Sec. 484 of the HEA to remove:

- The requirement that male students register with the Selective Service before the age of 26 to be eligible for federal student aid under Title IV of the HEA (Title IV); and
- Suspension of eligibility for Title IV aid for drug-related convictions that occurred while receiving Title IV aid.

Under the Act, the Department of Education (Department) may implement these changes by providing 60 days' notice in the **Federal Register**. The Secretary is issuing this notice in the coming days. Institutions may implement the changes as early as the date the **Federal Register** notice publishes. They must implement the changes no later than 60 days after the date of the **Federal Register** notice (implementation date). To make Title IV aid accessible to as many students as soon as possible, the Department of Education (Department) will implement these changes in three phases across three award years: The 2021–2022, 2022–2023, and 2023–2024 award years.

Other than statutory and regulatory requirements included in the document, the contents of this guidance do not have the force and effect of law and are not meant to bind the public. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

2021–2022 Award Year

For the 2021–2022 award year, for which the FAFSA cycle has already begun, the Selective Service and drug conviction questions (as well as the option to register with the Selective Service via the FAFSA) will remain on the FAFSA. However, failing to register with the Selective Service or

having a drug conviction while receiving federal Title IV aid will no longer impact a student's Title IV aid eligibility.

For the 2021–2022 award year, institutions will still see Comment Codes 30, 33, or 57 for Selective Service issues and Comment Codes 53, 54, 56, or 58 for drug convictions. Each Comment Code will still include messaging that a resolution is required to regain eligibility for federal student aid. For Institutional Student Informational Reports (ISIRs) received on or after the implementation date, institutions must ignore the Comment Codes and the messaging requiring resolution and proceed to award and disburse aid to students if they are otherwise eligible. However, while recommended, institutions are not required to go back and reprocess, package, or award aid for ISIRs they received for the 2021–2022 award year prior to the implementation date unless requested by the student.

Federal Student Aid will be proactively sending emails to students who are associated with 2021–2022 ISIRs received prior to the implementation date and who were determined to be ineligible based on their answers to Selective Service and drug conviction questions informing them about the change in the law and their potential eligibility for Title IV aid. Emails will direct students to contact their institution's financial aid office.

2022–2023 Award Year

For the 2022–2023 award year, we will enhance implementation of the removal of Selective Service and drug conviction requirements for federal Title IV eligibility. Similar to the 2021–2022 award year:

- The Selective Service and drug conviction questions (as well as the option to register with the Selective Service via the FAFSA) will remain on the FAFSA;
- Failing to register with the Selective Service or having a drug conviction while receiving federal Title IV aid will no longer affect a student's Title IV aid eligibility; and
- Institutions will still see Comment Codes 30, 33, or 57 for Selective Service issues and Comment Codes 53, 54, 56, or 58 for drug convictions, which institutions must ignore and may not use as a reason to deny Title IV aid to a student.

However, for the 2022–2023 award year, the Department will include language in the Comment Codes stating that no further action is necessary on the part of the student or the institution.

2023–2024 Award Year

For the 2023–2024 award year, the Department plans to completely remove both the Selective Service and drug conviction questions from the FAFSA, as well as the option to register with the Selective Service via the FAFSA. We will also remove any associated Comment Codes and messaging that indicate a resolution is required for federal Title IV eligibility.

Questions about our early implementation of these provisions of the FAFSA Simplification Act should be referred to our Contact Customer Support outreach site within FSA's Help Center, located in the new Knowledge Center. To submit a question, please enter your name, email address, topic, and question. When submitting a question related to this Dear Colleague Letter, please select the topic ''FSA Ask-A–FED/Policy.''

Thank you for your continued support of the Title IV federal student aid programs.

Sincerely,

Richard Cordray, Chief Operating Officer, Federal Student Aid.

Annmarie Weisman, Deputy Assistant, Secretary for Policy, Planning, and Innovation, Office of Postsecondary Education.

[FR Doc. 2021–12762 Filed 6–16–21; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER21–2117–000]

Little Blue Wind Project, 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 Little Blue Wind Project, 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 July 1, 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 TTY, (202) 502–8659.

Dated: June 11, 2021.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2021–12778 Filed 6–16–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2315–167]

Dominion Energy South Carolina, Inc.; 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:* Request for a temporary amendment of the reservoir drawdown limit.

b. *Project No.:* 2315–167.

c. *Date Filed:* May 28, 2021.

d. *Applicant:* Dominion Energy South Carolina, Inc.

e. *Name of Project:* Neal Shoals Hydroelectric Project.

f. *Location:* The project is located on the Broad River in Union and Chester Counties, South Carolina.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Ms. Amy Bresnahan, Dominion Energy South

Carolina, Inc., 220 Operations Way, MC B223, Cayce, SC 29033, (803) 217–9965.

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, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. The first page of any filing should include docket number P–2315–167.

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 requests a temporary amendment of its maximum reservoir drawdown limits from July 12, 2021 through September 13, 2021. The applicant plans to exceed the normal 4 foot drawdown limit by draining the reservoir in a phased approach by at least 14 feet to dewater it. The applicant states the drawdown is necessary to replace head gates.

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: June 11, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–12801 Filed 6–16–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP21–57–000]

Mountain Valley Pipeline, LLC; Notice of Schedule for the Preparation of an Environmental Assessment for the Proposed Amendment to the Certificate of Public Convenience and Necessity for the Mountain Valley Pipeline Project

On February 19, 2021, Mountain Valley Pipeline, LLC (Mountain Valley) filed an application in Docket No. CP21–057–000 requesting a Certificate of Public Convenience and Necessity pursuant to Section 7(c) of the Natural Gas Act amending Mountain Valley's certificate of public convenience and necessity for the Mountain Valley Pipeline Project (Amendment to the Certificate of Public Convenience and Necessity for the Mountain Valley Pipeline Project or Amendment Project) to grant Mountain Valley the ability to change the crossing method for specific wetlands and waterbodies yet to be crossed by the project from the open-cut crossings to one of several trenchless methods. The Amendment Project would affect certain natural gas pipeline facilities in Wetzel, Lewis, Webster, Nicholas, Greenbrier, Summers, and Monroe Counties, West Virginia and Giles, Montgomery, Roanoke, Franklin, and Pittsylvania Counties, Virginia. Mountain Valley also proposes two minor route adjustments to avoid crossing wetlands and waterbodies.

On March 1, 2021, the Federal Energy Regulatory Commission (Commission or FERC) issued its Notice of Application for the Project. Among other things, that notice alerted agencies issuing federal authorizations of the requirement to complete all necessary reviews and to reach a final decision on a request for a federal authorization within 90 days of the date of issuance of the Commission staff's environmental document for the Project.

This notice identifies Commission staff's intention to prepare an environmental assessment (EA) for the Amendment Project and the planned schedule for the completion of the environmental review.[1]

Schedule for Environmental Review

Issuance of EA—August 13, 2021
90-day Federal Authorization Decision Deadline—November 11, 2021

If a schedule change becomes necessary, an additional notice will be

[1] 40 CFR 1501.10 (2020).

provided so that the relevant agencies are kept informed of the Project's progress.

Project Description

On October 13, 2017, the FERC issued a Certificate of Public Convenience and Necessity for the Mountain Valley Pipeline Project under Docket CP16–010–000. The Mountain Valley Pipeline Project consists of approximately 303.5 miles of new natural gas pipeline and multiple aboveground facilities located in West Virginia and Virginia.

The Amendment Project would change 120 crossings of 182 waterbodies and wetlands from open-cut crossings to trenchless crossings (this includes 117 conventional bore crossings, 1 Direct Pipe crossing, and 2 guided conventional bore crossings). It also includes a minor route adjustment near milepost 230.8 to avoid the need to cross a waterbody; and a minor alignment shift and workspace adjustment near milepost 0.7 to avoid the need to cross a wetland.

Background

On March 16, 2021, the Commission issued a *Notice of Scoping Period and Requesting Comments on Environmental Issues for the Proposed Amendment to the Certificate of Public Convenience and Necessity for the Mountain Valley Pipeline Project* (Notice of Scoping). The Notice of Scoping was sent to affected landowners; Federal, State, and local government agencies; elected officials; environmental and public interest groups; Native American tribes; other interested parties; and local libraries and newspapers. In response to the Notice of Scoping, the Commission received comments from the Environmental Protection Agency, the Monacan Indian Nation, U.S. Senator Tim Kaine, Roanoke County, Franklin County Board of Supervisors, the Lewis County Commission, multiple non-government agencies, and multiple individuals and landowners. The primary issues, among others, raised by the commenters are the need for the Amendment Project, requests for additional environmental reviews, and concerns with permits, the geology in the Project area, groundwater and drinking water, environmental compliance, environmental justice and outreach, greenhouse gas and climate change, safety and feasibility, and cultural resources. All substantive comments will be addressed in the EA.

The U.S. Army Corps of Engineers is a cooperating agency in the preparation of the EA.

Additional Information

In order to receive notification of the issuance of the EA and to keep track of formal issuances and submittals in specific dockets, the Commission offers a free service called eSubscription. This service provides automatic notification of filings made to subscribed dockets, document summaries, and direct links to the documents. Go to *https://www.ferc.gov/ferc-online/overview* to register for eSubscription.

Additional information about the project is 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. Click on the eLibrary link, click on ''General Search'' and enter the docket number in the ''Docket Number'' field. Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

Dated: June 11, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–12774 Filed 6–16–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER21–2118–000]

Dodge Flat Solar, 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 Dodge Flat Solar, 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 July 1, 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: June 11, 2021.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2021–12776 Filed 6–16–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[P–2232–807]

Duke Energy Carolinas, LLC; 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:* Request for a temporary amendment of the reservoir elevation requirement at the Great Falls/Dearborn development.

b. *Project No.:* 2232–807.

c. *Date Filed:* May 25, 2021.

d. *Applicant:* Duke Energy Carolinas, LLC.

e. *Name of Project:* Catawba-Wateree Hydroelectric Project.

f. *Location:* The project is located on the Catawba-Wateree River in Burke, McDowell, Caldwell, Catawba, Alexander, Iredell, Mecklenburg, Lincoln, and Gaston counties, North Carolina, and York, Lancaster, Chester, Fairfield, and Kershaw counties South Carolina.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Jeffrey G. Lineberger, Director of Water Strategy and Hydro Licensing, Duke Energy, Mail Code EC–12Y, 526 South Church Street, Charlotte, NC 28202, (704) 382–5942.

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, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. The first page of any filing should include docket number P–2232–807.

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 requests a temporary amendment of its reservoir elevation requirement at the Great Falls/Dearborn development from late-July 2021 through August 2022. The applicant proposes to generally maintain the reservoir surface elevation 12 to 15 feet below the full pool elevation during this period, exceeding the normally permissible maximum drawdown of 5 feet below full pool. The applicant states the drawdown is necessary to construct a diversion dam and headworks at the development.

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://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 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: June 11, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–12785 Filed 6–16–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER21–2100–000]

Point Beach Solar, 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 Point Beach Solar, 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 July 1, 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: June 11, 2021.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2021–12775 Filed 6–16–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP20–48–000]

Iroquois Gas Transmission System, L.P.; Notice of Availability of the Draft Environmental Impact Statement for the Proposed Enhancement by Compression Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared a draft environmental impact statement (EIS) for the Enhancement by Compression Project (Project), proposed by Iroquois Gas Transmission System, L.P. (Iroquois) in the above-referenced docket. Iroquois requests authorization to construct and operate natural gas transmission facilities in New York and Connecticut. The Project is designed to provide a total of 125,000 dekatherms per day of incremental firm transportation service for two existing customers of Iroquois, Consolidated Edison Company of New York, Inc. and KeySpan Gas East Corporation doing business as National Grid.

The draft EIS responds to comments that were received on the Commission's September 30, 2020 Environmental Assessment (EA) [1] and discloses downstream greenhouse gas emissions for the Project. With the exception of greenhouse gas emissions, the FERC staff concludes that approval of the proposed Project, with the mitigation measures recommended in this EIS, would not result in significant environmental impacts. FERC staff continues to be unable to come to a determination of significance with regards to greenhouse gas emissions.

The draft EIS incorporates the above referenced EA, which addressed the potential environmental effects of the construction and operation of the following Project facilities:

- Athens Compressor Station—installation of one new 12,000 horsepower (hp) natural gas turbine (Unit A2) in a new building with associated cooling, filter separators, and other facilities connecting to Iroquois' existing 24-inch-diameter mainline within the existing fenced compressor station boundary (Greene County, New York).
- Dover Compressor Station—installation of one new 12,000 hp natural gas turbine (Unit A2) in a new building with associated cooling, filter separators, and other facilities connecting to Iroquois' existing 24-inch-diameter mainline and expansion of the existing compressor station fenceline within the property boundary (Dutchess County, New York).
- Brookfield Compressor Station—construction of a control/office building, addition of two new, natural gas 12,000 hp turbines (Unit B1 and Unit B2) in a new building with associated cooling, filter separators, and other typical facilities connecting to Iroquois' existing 24-inch-diameter mainline. Additionally, Iroquois would install incremental cooling at Plant 2–A to allow for compressed discharge gas to be cooled, prior to being compressed at the proposed downstream compressors (Units B1 and B2). Iroquois would also replace existing turbine stacks on the existing compressor units (Unit-A1 and Unit-A2) and add other noise reduction measures (*e.g.,* louvers, seals) to minimize existing noise at the site. Modifications at this site would require expansion of the existing compressor station fenceline within the property boundary (Fairfield County, Connecticut).
- Milford Compressor Station—addition of gas cooling to existing compressor units and associated piping to allow for compressed discharge gas to be cooled within the current fenced boundaries of the existing compressor station, where no gas cooling facilities currently exist (New Haven County, Connecticut).

The Commission mailed a copy of the Notice of Availability of the Draft Environmental Impact Statement for the Proposed Enhancement by Compression Project to federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American tribes; potentially affected landowners and other interested individuals and groups; and newspapers and libraries in the Project area. The draft EIS is only available in electronic format. It may be viewed and downloaded from the FERC's website (*www.ferc.gov*), on the natural gas environmental documents page (*https://www.ferc.gov/industries-data/natural-gas/environment/environmental-documents*). In addition, the draft EIS may be accessed by using the eLibrary link on the FERC's website. Click on the eLibrary link (*https://elibrary.ferc.gov/eLibrary/search*) select ''General Search'' and enter the docket number in the ''Docket Number'' field (*i.e.* CP20–48). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov*

[1] The Project's Environmental Assessment is available on eLibrary under accession no. 20200930–3011.

or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

The draft EIS is not a decision document. It presents Commission staff's independent analysis of the environmental issues for the Commission to consider when addressing the merits of all issues in this proceeding. Any person wishing to comment on the draft EIS may do so. Your comments should focus on draft EIS's disclosure and discussion of potential environmental effects, including climate impacts due to downstream greenhouse gas emissions, and measures to avoid or lessen environmental impacts. To ensure consideration of your comments on the proposal in the final EIS, it is important that the Commission receive your comments on or before 5:00pm Eastern Time on August 2, 2021.

For your convenience, there are three methods you can use to submit your comments to the Commission. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or *FercOnlineSupport@ferc.gov.* Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the eComment feature on the Commission's website (*www.ferc.gov*) under the link to FERC Online. This is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the eFiling feature on the Commission's website (*www.ferc.gov*) under the link to FERC Online. 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.'' If you are filing a comment on a particular project, please select ''Comment on a Filing'' as the filing type; or

(3) You can file a paper copy of your comments by mailing them to the Commission. Be sure to reference the Project docket number (CP20–48–000) on your letter. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR part 385.214). Motions to intervene are more fully described at *https://www.ferc.gov/ferc-online/ferc-online/how-guides.* Only intervenors have the right to seek rehearing or judicial review of the Commission's decision. The Commission grants affected landowners and others with environmental concerns intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which no other party can adequately represent. Simply filing environmental comments will not give you intervenor status, but you do not need intervenor status to have your comments considered.

Questions

Additional information about the Project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website (*www.ferc.gov*) using the eLibrary link. 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 that 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. Go to *https://www.ferc.gov/ferc-online/overview* to register for eSubscription.

Dated: June 11, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–12786 Filed 6–16–21; 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: EC21–101–000.

Applicants: Kingfisher Wind, LLC, DIF Infra 6 US LLC.

Description: Application for Authorization Under Section 203 of the Federal Power Act of Kingfisher Wind, LLC, et al.

Filed Date: 6/11/21.

Accession Number: 20210611–5013.

Comments Due: 5 p.m. ET 7/2/21.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–3069–009; ER10–3070–009.

Applicants: Alcoa Power Generating Inc., Alcoa Power Marketing LLC.

Description: Triennial Market Power Analysis for Central Region of Alcoa Power Generating Inc., et al.

Filed Date: 6/10/21.

Accession Number: 20210610–5153.

Comments Due: 5 p.m. ET 8/9/21

Docket Numbers: ER21–787–002.

Applicants: ISO New England Inc.

Description: Compliance filing: ISO–NE; Comp Filing (Updates to CONE, Net CONE & Cap Performance Payment Rate) to be effective 5/29/2021.

Filed Date: 6/11/21.

Accession Number: 20210611–5048.

Comments Due: 5 p.m. ET 7/2/21.

Docket Numbers: ER19–1575–005; ER10–2488–021; ER10–3050–007; ER10–3052–006; ER10–3053–007; ER10–3245–013; ER10–3249–013; ER10–3250–013; ER11–2639–014; ER13–1586–017; ER14–2871–016; ER15–110–015; ER15–463–015; ER15–621–015; ER15–622–015; ER16–182–011; ER16–72–011; ER16–902–008 ER17–47–008; ER17–48–009; ER18–2013–005; ER18–2240–004; ER18–2241–004; ER18–47–007; ER19–1660–004; ER19–1662–004; ER19–1667–004; ER19–426–004; ER19–427–004; ER20–71–003; ER20–72–003; ER20–75–003; ER20–76–005; ER20–77–003; ER20–79–003.

Applicants: Alta Oak Realty, LLC, Cabazon Wind Partners, LLC, Cameron Ridge, LLC, Cameron Ridge II, LLC, Coachella Hills Wind, LLC, Coachella Wind Holdings, LLC, DifWind Farms LTD VI, Foote Creek II, LLC, Foote Creek III, LLC, Foote Creek IV, LLC, Garnet Wind, LLC, LUZ Solar Partners VIII, Ltd., LUZ Solar Partners IX, Ltd., Mojave 3/4/5 LLC, Mojave 16/17/18 LLC, Oasis Alta, LLC, Oasis Power Partners, LLC, Pacific Crest Power, LLC, Painted Hills Wind Holdings, LLC, Ridge Crest Wind Partners, LLC, Ridgetop Energy, LLC, Rock River I, LLC, San Gorgonio Westwinds II, LLC, San Gorgonio Westwinds II—Windustries, LLC, Tehachapi Plains Wind, LLC, Terra-Gen Dixie Valley, LLC, Terra-Gen Energy Services, LLC, Terra-Gen Mojave Windfarms, LLC, Terra-Gen VG Wind, LLC,TGP Energy Management, LLC, Voyager Wind I, LLC, Voyager Wind II, LLC, Voyager Wind IV Expansion, LLC, Whitewater Hill Wind Partners, LLC, Yavi Energy, LLC.

Description: Notice of Change in Status of Alta Oak Realty, LLC, et al.
Filed Date: 6/10/21.
Accession Number: 20210610–5154.
Comments Due: 5 p.m. ET 7/1/21.
Docket Numbers: ER21–1635–001.
Applicants: PJM Interconnection, L.L.C.
Description: Tariff Amendment: Response to Deficiency Letter—Black Start Revisions to be effective 6/6/2021.
Filed Date: 6/11/21.
Accession Number: 20210611–5049.
Comments Due: 5 p.m. ET 7/2/21.
Docket Numbers: ER21–1923–000.
Applicants: Black Rock Wind Force, LLC.
Description: Supplement to May 17, 2021 Black Rock Wind Force, LLC tariff filing.
Filed Date: 6/11/21.
Accession Number: 20210611–5105.
Comments Due: 5 p.m. ET 7/2/21.
Docket Numbers: ER21–2116–000.
Applicants: PacifiCorp.
Description: § 205(d) Rate Filing: PowerEx LTF PTP Conditional Firm Agreements to be effective 7/1/2021.
Filed Date: 6/10/21.
Accession Number: 20210610–5124.
Comments Due: 5 p.m. ET 7/1/21.
Docket Numbers: ER21–2117–000.
Applicants: Little Blue Wind Project, LLC.
Description: Baseline eTariff Filing: Little Blue Wind Project, LLC Application for MBR Authority to be effective 8/10/2021.
Filed Date: 6/10/21.
Accession Number: 20210610–5129.
Comments Due: 5 p.m. ET 7/1/21.
Docket Numbers: ER21–2118–000.
Applicants: Dodge Flat Solar, LLC.
Description: Baseline eTariff Filing: Dodge Flat Solar, LLC Application for MBR Authority to be effective 8/10/2021.
Filed Date: 6/10/21.
Accession Number: 20210610–5140.
Comments Due: 5 p.m. ET 7/1/21.
Docket Numbers: ER21–2119–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2021–06–11_SA 3274 1x50 Mvar Cap Bank at Midport 161 kV 1st Rev MPFCA to be effective 6/3/2021.
Filed Date: 6/11/21.
Accession Number: 20210611–5010.
Comments Due: 5 p.m. ET 7/2/21.
Docket Numbers: ER21–2120–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: First Revised ISA, Service Agreement No. 2360; Queue No. AD2–133/Q36 to be effective 5/12/2021.
Filed Date: 6/11/21.
Accession Number: 20210611–5015.
Comments Due: 5 p.m. ET 7/2/21.
Docket Numbers: ER21–2121–000.
Applicants: The Narragansett Electric Company.
Description: § 205(d) Rate Filing: 2021–06–11 Narragansett Borderline Tariff Amendment filing to be effective 6/12/2021.
Filed Date: 6/11/21.
Accession Number: 20210611–5030.
Comments Due: 5 p.m. ET 7/2/21.
Docket Numbers: ER21–2122–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original ISA, Service Agreement No. 6077; Queue Nos. AA1–146/AA2–030 to be effective 5/12/2021.
Filed Date: 6/11/21.
Accession Number: 20210611–5044.
Comments Due: 5 p.m. ET 7/2/21.
Docket Numbers: ER21–2123–000.
Applicants: Southern California Edison Company.
Description: § 205(d) Rate Filing: Amended LGIA Garland SA No. 171 & Terminate Letter Agreement SA No. 250 to be effective 6/12/2021.
Filed Date: 6/11/21.
Accession Number: 20210611–5047.
Comments Due: 5 p.m. ET 7/2/21.
Docket Numbers: ER21–2124–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2021–06–11_SA 3393 Ameren IL-Sapphire Sky Wind 1st Rev GIA (J826) to be effective 5/26/2021.
Filed Date: 6/11/21.
Accession Number: 20210611–5050.
Comments Due: 5 p.m. ET 7/2/21.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES21–49–000.
Applicants: New York State Electric & Gas Corporation.
Description: Application under Section 204 of the Federal Power Act for Authorization to Issue Securities for New York State Electric & Gas Corporation, et al.
Filed Date: 6/11/21.
Accession Number: 20210611–5045.
Comments Due: 5 p.m. ET 7/2/21.

Take notice that the Commission received the following public utility holding company filings:

Docket Numbers: PH21–10–000.
Applicants: LS Power Development, LLC.
Description: LS Power Development, LLC submits FERC–65B Notice of Non-Material Change in Fact to Waiver Notification.
Filed Date: 6/10/21.
Accession Number: 20210610–5152.
Comments Due: 5 p.m. ET 7/1/21.

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: June 11, 2021.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2021–12777 Filed 6–16–21; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2021–0015; FRL–10024–90]

Notice of Receipt of Requests to Voluntarily Cancel Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is issuing a notice of receipt of requests by registrants to voluntarily cancel certain pesticide registrations. EPA intends to grant these requests at the close of the comment period for this announcement unless the Agency receives substantive comments within the comment period that would merit its further review of the requests, or unless the registrants withdraw their requests. If these requests are granted, any sale, distribution, or use of products listed in this notice will be permitted after the registrations have been cancelled only if such sale, distribution, or use is consistent with the terms as described in the final order.

DATES: Comments must be received on or before July 19, 2021.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2021–0015, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.

Submit written withdrawal request by mail to: Registration Division (7502P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001. ATTN: Christopher Green.

- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

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

FOR FURTHER INFORMATION CONTACT: Christopher Green, Registration Division (7502P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (703) 347–0367; email address: *green.christopher@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

II. What action is the Agency taking?

This document announces receipt by the Agency of requests from registrants to cancel 3 pesticide products registered under FIFRA section 3 (7 U.S.C. 136a) or 24(c) (7 U.S.C. 136v(c)). These registrations are listed in sequence by registration number in Table 1 of this unit.

Unless the Agency determines that there are substantive comments that warrant further review of the requests or the registrants withdraw their requests, EPA intends to issue an order in the **Federal Register** canceling all the affected registrations.

TABLE 1—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION

Registration No.	Company No.	Product name	Active ingredients
7969–376	7969	Certador Insecticide	Dinotefuran.
59639–182	59639	V-10276 0.088 SL Insecticide/Fungicide	Metconazole & Dinotefuran.
91234–161	91234	Anniston 30 SG Insecticide	Acetamiprid.
91234–162	91234	Anniston 70 WP Insecticide	Acetamiprid.

Table 2 of this unit includes the names and addresses of record for all registrants of the products in Table 1 of this unit, in sequence by EPA company number. This number corresponds to the first part of the EPA registration numbers of the products listed in this unit.

TABLE 2—REGISTRANTS REQUESTING VOLUNTARY CANCELLATION

EPA company No.	Company name and address
7969	BASF Corporation, 26 Davis Drive, P.O. Box 13528, Research Triangle Park, NC 27709–3528.
59639	Valent U.S.A. LLC, 4600 Norris Canyon Road, P.O. Box 5075, San Ramon, CA 94583.
91234	Atticus, LLC, Agent Name: Pyxis Regulatory Consulting, Inc., 4110 136th Street Ct. NW, Gig Harbor, WA 98332–9122.

III. What is the Agency's authority for taking this action?

Section 6(f)(1) of FIFRA (7 U.S.C. 136d(f)(1)) provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be canceled. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**.

Section 6(f)(1)(B) of FIFRA (7 U.S.C. 136d(f)(1)(B)) requires that before acting on a request for voluntary cancellation, EPA must provide a 30-day public comment period on the request for voluntary cancellation or use termination. In addition, FIFRA section 6(f)(1)(C) (7 U.S.C. 136d(f)(1)(C)) requires that EPA provide a 180-day comment period on a request for voluntary cancellation or termination of any minor agricultural use before granting the request, unless:

1. The registrants request a waiver of the comment period, or

2. The EPA Administrator determines that continued use of the pesticide

would pose an unreasonable adverse effect on the environment.

The registrants in Table 2 of Unit II have requested that EPA waive the 180-day comment period. Accordingly, EPA will provide a 30-day comment period on the proposed requests.

IV. Procedures for Withdrawal of Request

Registrants who choose to withdraw a request for cancellation should submit such withdrawal in writing to the person listed under **FOR FURTHER INFORMATION CONTACT**. If the products have been subject to a previous cancellation action, the effective date of cancellation and all other provisions of any earlier cancellation action are controlling.

V. Provisions for Disposition of Existing Stocks

Existing stocks are those stocks of registered pesticide products that are currently in the United States and that were packaged, labeled, and released for shipment prior to the effective date of the cancellation action. Upon cancellation of the products identified in Table 1 of Unit II, EPA anticipates not allowing registrants to sell and distribute existing stocks of these products after publication of the Cancellation Order in the **Federal Register**, except for export consistent with FIFRA section 17 (7 U.S.C. 136o) or for proper disposal. Persons other than registrants will generally be allowed to sell, distribute, or use existing stocks until such stocks are exhausted, provided that such sale, distribution, or use is consistent with the terms of the previously approved labeling on, or that accompanied, the canceled products.

(Authority: 7 U.S.C. 136 *et seq.*)

Dated: June 10, 2021.

Marietta Echeverria,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2021–12722 Filed 6–16–21; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[FR ID 32898]

Open Commission Meeting Thursday, June 17, 2021

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, June 17, 2021, which is scheduled to commence at 10:30 a.m.

Due to the current COVID–19 pandemic and related agency telework and headquarters access policies, this meeting will be in a wholly electronic format and will be open to the public on the internet via live feed from the FCC's web page at *www.fcc.gov/live* and on the FCC's YouTube channel.

Item No.	Bureau	Subject
1	OFFICE OF ENGINEERING AND TECHNOLOGY AND OFFICE OF ECONOMICS AND ANALYTICS.	TITLE: Protecting Against National Security Threats to the Communications Supply Chain through the Equipment Authorization (ET Docket No. 21–232) and Competitive Bidding Programs (EA Docket No. 21–233). SUMMARY: The Commission will consider a Notice of Proposed Rulemaking and Notice of Inquiry seeking comments on steps it could take to secure the nation's critical communications networks through its equipment authorization and competitive bidding programs.
2	OFFICE OF ENGINEERING AND TECHNOLOGY.	TITLE: Allowing Earlier Equipment Marketing and Importation Opportunities (ET Docket No. 20–382). SUMMARY: The Commission will consider a Report and Order that would adopt changes to the equipment authorization rules to allow expanded marketing and importation of radiofrequency devices prior to certification, with conditions.
3	PUBLIC SAFETY AND HOMELAND SECURITY.	TITLE: Improving the Emergency Alert System (PS Docket No. 15–94) and Wireless Emergency Alerts (PS Docket No. 15–91). SUMMARY: The Commission will consider a Report and Order and Further Notice of Proposed Rulemaking to implement section 9201 of the National Defense Authorization Act for Fiscal Year 2021, which is intended to improve the way the public receives emergency alerts on their mobile phones, televisions, and radios.
4	ENFORCEMENT	TITLE: Improving Robocall and Spoofing Input from Private Entities (EB Docket No. 20–374). SUMMARY: The Commission will consider a Report and Order to implement Section 10(a) of the TRACED Act by adopting a streamlined process that will allow private entities to alert the FCC's Enforcement Bureau about suspected unlawful robocalls and spoofed caller ID.
5	WIRELINE COMPETITION	TITLE: Promoting Telehealth for Low-Income Consumers (WC Docket No. 18–213). SUMMARY: The Commission will consider a Second Report and Order that would provide guidance on the administration of the Connected Care Pilot Program and further instructions to program participants.
6	WIRELESS TELECOMMUNICATIONS	TITLE: Exploring Spectrum Options for Devices Used to Mark Fishing Equipment (WT Docket No. 21–230). SUMMARY: The Commission will consider a Notice of Proposed Rulemaking that would satisfy the Commission's statutory obligation in Section 8416 of the National Defense Authorization Act for Fiscal Year 2021 to initiate a rulemaking proceeding to explore whether to authorize devices that can be used to mark fishing equipment for use on Automatic Identification System (AIS) channels consistent with the core purpose of the AIS to prevent maritime accidents.
7	MEDIA	TITLE: Improving Low Power FM Radio (MB Docket No. 19–193). SUMMARY: The Commission will consider an Order on Reconsideration of a proceeding to modernize the LPFM technical rules.
8	ENFORCEMENT	TITLE: Enforcement Bureau Action. SUMMARY: The Commission will consider an enforcement action.

Item No.	Bureau	Subject				
*	*	*	*	*	*	*

The meeting will be webcast with open captioning at: *www.fcc.gov/live.* Open captioning will be provided as well as a text only version on the FCC website. Other reasonable accommodations for people with disabilities are available upon request. In your request, include a description of the accommodation you will need and a way we can contact you if we need more information. Last minute requests will be accepted but may be impossible to fill. Send an email to: *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530.

Additional information concerning this meeting may be obtained from the Office of Media Relations, (202) 418–0500. Audio/Video coverage of the meeting will be broadcast live with open captioning over the internet from the FCC Live web page at *www.fcc.gov/live.*

Federal Communications Commission.

Dated: June 10, 2021.

Cecilia Sigmund,

Federal Register Liaison Officer, Office of the Secretary.

[FR Doc. 2021–12727 Filed 6–16–21; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[DA 21–684; FR ID 33087]

Media Bureau Reminds Remaining Analog Low Power Television and Television Translator Stations Without Digital Construction Permits To File Immediately

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In this document, the Media Bureau (Bureau) of the Federal Communications Commission (Commission) reminds those remaining analog Low Power Television and TV Translator stations (LPTV/translator stations) that have not filed for a digital construction permit to construct a digital facility to do so immediately. Those analog LPTV/translator stations that fail to take immediate action will risk having their license automatically cancelled, by operation of law, after the analog termination date.

DATES: July 13, 2021 is the analog termination date and digital transition deadline.

FOR FURTHER INFORMATION CONTACT: Mark Colombo (technical questions), *Mark.Colombo@fcc.gov,* (202) 418–7611, or Shaun Maher (legal questions), *Shaun.Maher@fcc.gov,* (202) 418–2324, of the Video Division, Media Bureau.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's document (Public Notice), DA 21–684, released on June 11, 2021. The full text of this document is available for downloading on the FCC website at *https://docs.fcc.gov/public/attachments/DA-21-684A1.pdf.* Remaining Analog LPTV/Translator Stations Without Digital Construction Permits. The Bureau has posted a list of the remaining analog LPTV/translator stations that have not obtained a digital construction permit to transition to digital operations on its web page: *https://www.fcc.gov/sites/default/files/analog_stations_without_a_digital_permit.xlsx.* The Bureau remind these stations that, after 11:59 p.m. local time on July 13, 2021, they may no longer operate any facility in analog mode and all analog licenses shall automatically cancel at that time without any affirmative action by the Commission. Analog LPTV/translator stations without a valid digital construction permit as of 11:59 p.m. local time on July 13, 2021, will find that their analog license has been automatically cancelled and will have their call signs deleted.

To avoid automatic cancellation of their station license, remaining analog LPTV/translator stations that do not have a digital construction permit should immediately file an application for one to ensure that they will be considered before the July 13, 2021, analog termination deadline. The Bureau recommends filing an application for on-channel digital conversion (''flash-cut'') wherever possible in order to expedite processing. Instructions for filing an application for digital construction permit are included in the Appendix to the Public Notice.

Late-Filed Construction Permit Extension Applications. All analog LPTV/translator stations receiving a digital construction permit, regardless of the date it is granted, are assigned a construction permit expiration date of July 13, 2021. Any analog LPTV/translator station that finds that it will need additional time to complete its digital construction may submit an application for extension of its digital construction permit. Because the March 15, 2021 deadline for filing an extension of digital construction permit (CP extension filing deadline) has already passed, stations will need to include a request for waiver of the CP extension filing deadline along with its request for extension. The Bureau encourage such stations to submit their extension applications and filing deadline waivers as soon as possible to ensure that they will be considered before the July 13, 2021 expiration of their digital construction permit. The grant of an extension of time to complete construction of a station's digital facility will in no way extend the July 13, 2021, analog service termination date. Instructions for filing an extension application are included in the Appendix to the Public Notice.

Requests for Silent Authority. The Bureau reminds licensees that a station may suspend operations for a period of not more than 30 days absent specific authority from the Commission. Stations that remain silent for more than 10 days must notify the Commission not later than the tenth day of their suspended operations by filing a Suspension of Operations Notification via LMS as outlined in Appendix B to the Public Notice. Stations that need to remain silent for more than 30 days must file a Silent STA via LMS as outlined in the Appendix to the Public Notice.

The Bureau also reminds stations that the license of any station that remains silent for any consecutive 12-month period expires automatically at the end of that period, by operation of law, except that the Commission may extend or reinstate such station license if the holder of the license prevails in an administrative or judicial appeal, the applicable law changes, or for any other reason to promote equity and fairness. Stations that need to extend and/or reinstate their license should do so as part of a Silent STA or if the station is operational by filing a Legal STA. Either may be filed via LMS as outlined in the Appendix to the Public Notice.

Surrender/Cancellation of Analog Licenses. Stations that choose not to convert to digital and instead intend to permanently discontinue operations must do so no later than 11:59 p.m. local time on July 13, 2021. If a station is currently silent and does not intend to recommence analog operation prior to July 13, 2021, or plans to permanently discontinue operation prior to July 13, 2021, the Bureau encourages such

stations to submit their station licenses for cancellation. Instructions for requesting cancellation of a station license are included in the Appendix to the Public Notice. For all other analog LPTV/translator stations that choose not to convert to digital but continue to operate in analog until 11:59 p.m. local time on July 13, 2021, their licenses will automatically cancel, by operation of law, and call signs will be deleted.

Federal Communications Commission.

Thomas Horan

Chief of Staff, Media Bureau.

[FR Doc. 2021–12964 Filed 6–16–21; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–XXXX; FRS 31630]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s). Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before August 16, 2021. If you anticipate that you will be submitting comments but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email to *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–XXXX.

Title: FCC Authorization for Radio Service License—3.45 GHz Band Service.

Form Number: N/A.

Type of Review: New collection.

Respondents: Business or other for-profit entities, state, local, or tribal government, and not for profit institutions.

Number of Respondents and Responses: 52 respondents, 8,197 responses.

Estimated Time per Response: 5–20 hours.

Frequency of Response: Third party disclosure requirement; on occasion reporting requirement and periodic reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for these collections are contained in 47 U.S.C. 151, 152, 154, 154(i), 155(c), 157, 201, 202, 208, 214, 301, 302a, 303, 307, 308, 309, 310, 311, 314, 316, 319, 324, 331, 332, 333, 336, 534, 535, and 554 of the Communications Act of 1934.

Total Annual Burden: 9,198 hours.

Total Annual Cost: $10,353,000.

Privacy Impact Assessment: No impacts.

Nature and Extent of Confidentiality: In general, there is no need for confidentiality with this collection of information. Insofar as confidential information is submitted to the Department of Defense as part of the coordination by 3.45 GHz Service licensees with Federal incumbents, the Department of Defense will ensure that information remains confidential.

Needs and Uses: On March 17, 2021, the Federal Communications Commission (''Commission'' or ''FCC'') adopted a Second Report and Order, FCC 21–32, GN Docket No. WT–19–348 (Second Report and Order) that establishes rules for flexible-use wireless access to the 100 megahertz in the 3450–3550 MHz (3.45 GHz) band, creating the new 3.45 GHz Service. The rules will create additional capacity for wireless broadband allowing full-power operations across the band in the entire contiguous United States, while also ensuring full protection of incumbent Federal operations remaining in particular locations. As part of this process, the Commission also adopted rules related to the relocation of incumbent non-Federal radiolocation operations, and reimbursement of expenses related to such relocation.

Sections 2.016 and 27.1603 require a 3.45 GHz Service licensee whose license area overlaps with a Cooperative Planning Area or Periodic Use Area, as defined in those sections, to coordinate deployments pursuant to those licenses in those areas with relevant Federal agencies. This coordination may take the form of a mutually acceptable operator-to-operator coordination agreement between the licensee and the relevant Federal agency. In the absence of such an agreement, this coordination will include a formal request for access through a Department of Defense online portal, which will include the submission of information related to the technical characteristics of the base stations and associated mobile units to be used in the covered area. It does not require a revision to the FCC Form 601.

Section 27.1605 requires non-Federal, secondary radiolocation operations which are relocating from the 3.45 GHz band to alternate spectrum to clear the band for new flexible-use wireless operations to submit certain information to a clearinghouse in order to ensure their relocation costs are fairly reimbursed. It does not require a revision to the FCC Form 601.

Section 27.1607 requires 3.45 GHz Service licensees to share certain information about their network operations in that band with operators in the adjacent Citizens Broadband Radio Service in order to enable the latter to synchronize their operations to reduce the risk of harmful interference. In response to a request by a Citizens Broadband Radio Service operator, a 3.45 GHz Service licensee must provide information to enable Time Division Duplex synchronization. The exact nature of the information to be provided will be determined by a negotiation between the two entities, conducted on a good faith basis. The 3.45 GHz Service licensee must keep the information current as its network operations change. This does not require a revision to the FCC Form 601.

Section 27.14(w) requires 3.45 GHz Service licensees to provide information on the extent to which they provide service in their license areas. Licensees are required to file two such reports:

The first four (4) years after its initial license grant and the second eight (8) years after such grant, unless they failed to meet the first set of performance requirements, in which case the second report is due seven (7) years after the initial grant. These reports are filed alongside the Form 601 and require no revisions to it.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2021–12772 Filed 6–16–21; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0636; FRS 32285]

Information Collection Being Submitted for Review and Approval to Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Pursuant to the Small Business Paperwork Relief Act of 2002, the FCC seeks specific comment on how it might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.'' The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments and recommendations for the proposed information collection should be submitted on or before July 19, 2021.

ADDRESSES: Comments should be sent 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. Your comment must be submitted into *www.reginfo.gov* per the above instructions for it to be considered. In addition to submitting in *www.reginfo.gov* also send a copy of your comment on the proposed information collection to Nicole Ongele, FCC, via email to *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Nicole Ongele at (202) 418–2991. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the web page *http://www.reginfo.gov/public/do/PRAMain,* (2) look for the section of the web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the FCC invited the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. Pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), the FCC seeks specific comment on how it might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

OMB Control Number: 3060–0636.

Title: Sections 2.906, 2.909, 2.1071, 2.1074, 2.1077 and 15.37, Equipment Authorizations—Supplier's Declaration of Conformity (SDoC).

Form No.: Not applicable.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 8,338 respondents; 16,675 responses.

Estimated Time per Response: 1–18 hours (average).

Frequency of Response: One-time reporting requirement, recordkeeping requirement and third party disclosure requirements.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 151, 154(i), 157(a), 301, 303(f), 303(g), 303(r), 307(e), 332, 622 and 0.31(i), and 0.31(j).

Total Annual Burden: 158,422 hours.

Total Annual Cost: $33,352,000.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: No assurances of confidentiality are provided to respondents.

Needs and Uses: The Commission will submit this revised information collection to the Office of Management and Budget (OMB) after this 60-day comment period in order to obtain the full three-year clearance from them.

In 2017, the Supplier's Declaration of Conformity (SDOC) procedure were revised in a Report and Order, FCC 17–93, *Amendment of Parts 0, 1, 2, 15 and 18 of the Commission's Rules regarding Authorization of Radiofrequency Equipment.* Revisions to the information collection included amendments to rule sections 2.906, 2.909, 2.1071, added 2.1074, removed 2.1075 and 15.37 as reported herein.

§ 2.906 Supplier's Declaration of Conformity

(a) Supplier's Declaration of Conformity (SDoC) is a procedure where the responsible party, as defined in § 2.909, makes measurements or completes other procedures found acceptable to the Commission to ensure that the equipment complies with the appropriate technical standards. Submittal to the Commission of a sample unit or representative data demonstrating compliance is not required unless specifically requested pursuant to § 2.945.

(b) Supplier's Declaration of Conformity is applicable to all items subsequently marketed by the manufacturer, importer, or the responsible party that are identical, as defined in § 2.908, to the sample tested and found acceptable by the manufacturer.

(c) The responsible party may, if it desires, apply for Certification of a

device subject to the Supplier's Declaration of Conformity. In such cases, all rules governing certification will apply to that device.

§ 2.909 Responsible Party

(a) In the case of equipment that requires the issuance of a grant of certification, the party to whom that grant of certification is issued is responsible for the compliance of the equipment with the applicable standards. If the radio frequency equipment is modified by any party other than the grantee and that party is not working under the authorization of the grantee pursuant to § 2.929(b), the party performing the modification is responsible for compliance of the product with the applicable administrative and technical provisions in this chapter.

(b) For equipment subject to Supplier's Declaration of Conformity the party responsible for the compliance of the equipment with the applicable standards, who must be located in the United States (see § 2.1077), is set forth as follows:

(1) The manufacturer or, if the equipment is assembled from individual component parts and the resulting system is subject to authorization under Supplier's Declaration of Conformity, the assembler.

(2) If the equipment by itself, or, a system is assembled from individual parts and the resulting system is subject to Supplier's Declaration of Conformity and that equipment or system is imported, the importer.

(3) Retailers or original equipment manufacturers may enter into an agreement with the responsible party designated in paragraph (b)(1) or (b)(2) of this section to assume the responsibilities to ensure compliance of equipment and become the new responsible party.

(4) If the radio frequency equipment is modified by any party not working under the authority of the responsible party, the party performing the modifications, if located within the U.S., or the importer, if the equipment is imported subsequent to the modifications, becomes the new responsible party.

(c) If the end product or equipment is subject to both certification and Supplier's Declaration of Conformity (*i.e.,* composite system), all the requirements of paragraphs (a) and (b) apply.

(d) If, because of modifications performed subsequent to authorization, a new party becomes responsible for ensuring that a product complies with the technical standards and the new party does not obtain a new equipment authorization, the equipment shall be labeled, following the specifications in § 2.925(d), with the following: ''This product has been modified by [insert name, address and telephone number or internet contact information of the party performing the modifications].''

(e) In the case of transfer of control of equipment, as in the case of sale or merger of the responsible party, the new entity shall bear the responsibility of continued compliance of the equipment.

§ 2.1071 Cross Reference

The general provisions of this subpart shall apply to equipment subject to Supplier's Declaration of Conformity.

§ 2.1074 Identification

(a) Devices subject only to Supplier's Declaration of Conformity shall be uniquely identified by the party responsible for marketing or importing the equipment within the United States. However, the identification shall not be of a format which could be confused with the FCC Identifier required on certified equipment. The responsible party shall maintain adequate identification records to facilitate positive identification for each device.

(b) Devices subject to authorization under Supplier's Declaration of Conformity may be labeled with the following logo on a voluntary basis as a visual indication that the product complies with the applicable FCC requirements. The use of the logo on the device does not alleviate the requirement to provide the compliance information required by § 2.1077 of this subpart.

§ 2.1077 Compliance Information

(a) If a product must be tested and authorized under Supplier's Declaration of Conformity, a compliance information statement shall be supplied with the product at the time of marketing or importation, containing the following information:

(1) Identification of the product, *e.g.,* name and model number;

(2) A compliance statement as applicable, *e.g.,* for devices subject to part 15 of this chapter as specified in § 15.19(a)(3), that the product complies with the rules; and

(3) The identification, by name, address and telephone number or internet contact information, of the responsible party, as defined in § 2.909. The responsible party for Supplier's Declaration of Conformity must be located within the United States.

(b) If a product is assembled from modular components (*e.g.,* enclosures, power supplies and CPU boards) that, by themselves, are authorized under a Supplier's Declaration of Conformity and/or a grant of certification, and the assembled product is also subject to authorization under Supplier's Declaration of Conformity but, in accordance with the applicable regulations, does not require additional testing, the product shall be supplied, at the time of marketing or importation, with a compliance information statement containing the following information:

(1) Identification of the assembled product, *e.g.,* name and model number.

(2) Identification of the modular components used in the assembly. A modular component authorized under Supplier's Declaration of Conformity shall be identified as specified in paragraph (a)(1) of this section. A modular component authorized under a grant of certification shall be identified by name and model number (if applicable) along with the FCC Identifier number.

(3) A statement that the product complies with part 15 of this chapter.

(4) The identification, by name, address and telephone number or internet contact information, of the responsible party who assembled the product from modular components, as defined in § 2.909. The responsible party for Supplier's Declaration of Conformity must be located within the United States.

(5) Copies of the compliance information statements for each modular component used in the system that is authorized under Supplier's Declaration of Conformity.

(c) The compliance information statement shall be included in the user's manual or as a separate sheet. In cases where the manual is provided only in a form other than paper, such as on a computer disk or over the internet, the information required by this section may be included in the manual in that alternative form, provided the user can reasonably be expected to have the capability to access information in that form. The information may be provided electronically as permitted in § 2.935.

§ 15.37 Transition provisions for compliance with the rules.

* * * * *

(c) All radio frequency devices that are authorized on or after July 12, 2004 under the certification, or Supplier's Declaration of Conformity procedures (or the prior verification or declaration of conformity procedures, as applicable) shall comply with the conducted limits specified in § 15.107 or § 15.207 as appropriate. All radio frequency devices that are manufactured or imported on or

after July 11, 2005 shall comply with the conducted limits specified in § 15.107 or § 15.207, as appropriate. Equipment authorized, imported or manufactured prior to these dates shall comply with the conducted limits specified in § 15.107 or § 15.207, as appropriate, or with the conducted limits that were in effect immediately prior to September 9, 2002.

* * * * *

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2021–12740 Filed 6–16–21; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meeting

TIME AND DATE: 10:20 a.m. on Tuesday, June 15, 2021.

PLACE: The meeting was held via video conference on the internet.

STATUS: Closed.

MATTERS TO BE CONSIDERED: In calling the meeting, the Board determined, on motion of Director Martin J. Gruenberg, seconded by Director David Uejio (Acting Director, Consumer Financial Protection Bureau), and concurred in by Director Michael J. Hsu (Acting Comptroller of the Currency), and Chairman Jelena McWilliams, that Corporation business required its consideration of the matters which were to be the subject of this meeting on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of the ''Government in the Sunshine Act'' (5 U.S.C. 552b(c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10).

CONTACT PERSON FOR MORE INFORMATION: Requests for further information concerning the meeting may be directed to Ms. Debra A. Decker, Deputy Executive Secretary of the Corporation, at 202–898–8748.

Dated this the 15th day of June, 2021.

Federal Deposit Insurance Corporation

James P. Sheesley,

Assistant Executive Secretary.

[FR Doc. 2021–12997 Filed 6–15–21; 4:15 pm]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of a Matter To Be Withdrawn From the Agenda for Consideration at an Agency Meeting

Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given that the following matter will be withdrawn from the ''discussion agenda'' for consideration at the open meeting of the Board of Directors of the Federal Deposit Insurance Corporation scheduled to be held at 10:00 a.m. on Tuesday, June 15, 2021:

Memorandum and resolution re: Establishment of the FDIC Advisory Council on Innovation.

Requests for further information concerning the meeting may be directed to Ms. Debra A. Decker, Deputy Executive Secretary of the Corporation, at (202) 898–8748.

Dated: June 11, 2021.

Federal Deposit Insurance Corporation.

James P. Sheesley,

Assistant Executive Secretary.

[FR Doc. 2021–12743 Filed 6–16–21; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

TIME AND DATE: Tuesday, June 22, 2021 at 10:00 a.m. and its continuation at the conclusion of the open meeting on June 24, 2021.

PLACE: 1050 First Street NE, Washington, DC (This meeting will be a virtual meeting).

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Compliance matters pursuant to 52 U.S.C. 30109.

Matters concerning participation in civil actions or proceedings or arbitration.

* * * * *

CONTACT PERSON FOR MORE INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Submitted: June 15, 2021.

Vicktoria J. Allen,

Acting Deputy Secretary of the Commission.

[FR Doc. 2021–12977 Filed 6–15–21; 4:15 pm]

BILLING CODE 6715–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington DC 20551–0001, not later than July 19, 2021.

A. Federal Reserve Bank of Minneapolis (Chris P. Wangen, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. *Bank Forward Employee Stock Ownership Plan and Trust, Fargo, North Dakota;* to acquire up to 40% of the voting shares of Security State Bank Holding Company, Fargo, North Dakota, and thereby indirectly acquire voting shares of Bank Forward, Hannaford, North Dakota.

Board of Governors of the Federal Reserve System, June 14, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021–12822 Filed 6–16–21; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

[Docket No. OP–1751]

Announcement of Financial Sector Liabilities

The Board's Regulation XX prohibits a merger or acquisition that would result in a financial company that controls more than 10 percent of the aggregate consolidated liabilities of all financial companies (''aggregate financial sector liabilities'').[1] Specifically, an insured depository institution, a bank holding company, a savings and loan holding company, a foreign banking organization, any other company that controls an insured depository institution, and a nonbank financial company designated by the Financial Stability Oversight Council (each, a ''financial company'') is prohibited from merging or consolidating with, acquiring all or substantially all of the assets of, or acquiring control of, another company if the resulting company's consolidated liabilities would exceed 10 percent of the aggregate financial sector liabilities.[2]

Under Regulation XX, the Federal Reserve will publish the aggregate financial sector liabilities by July 1 of each year. Aggregate financial sector liabilities are equal to the average of the year-end financial sector liabilities figure (as of December 31) of each of the preceding two calendar years.

FOR FURTHER INFORMATION CONTACT: Lesley Chao, Lead Financial Institution Policy Analyst, (202) 974–7063; Matthew Suntag, Senior Counsel, (202) 452–3694; Laura Bain, Counsel, (202) 736–5546; for the hearing impaired, TTY (202) 263–4869.

Aggregate Financial Sector Liabilities

''Aggregate financial sector liabilities'' is equal to $21,787,962,476,000.[3] This measure is in effect from July 1, 2021 through June 30, 2022.

Calculation Methodology

The aggregate financial sector liabilities measure equals the average of the year-end financial sector liabilities figure (as of December 31) of each of the preceding two calendar years. The year-end financial sector liabilities figure equals the sum of the total consolidated liabilities of all top-tier U.S. financial companies and the U.S. liabilities of all top-tier foreign financial companies, calculated using the applicable methodology for each financial company, as set forth in Regulation XX and summarized below.

Consolidated liabilities of a U.S. financial company that was subject to consolidated risk-based capital rules as of December 31 of the year being measured, equal the difference between the U.S. financial company's risk-weighted assets (as adjusted upward to reflect amounts that are deducted from regulatory capital elements pursuant to the Federal banking agencies' risk-based capital rules) and total regulatory capital, as calculated under the applicable risk-based capital rules. Companies in this category include (with certain exceptions listed below) bank holding companies, savings and loan holding companies, and insured depository institutions. The Federal Reserve used information collected on the Consolidated Financial Statements for Holding Companies (''FR Y–9C'') and the Bank Consolidated Reports of Condition and Income (''Call Report'') to calculate liabilities of these institutions.

Consolidated liabilities of a U.S. financial company not subject to consolidated risk-based capital rules as of December 31 of the year being measured, equal liabilities calculated in accordance with applicable accounting standards. Companies in this category include nonbank financial companies supervised by the Board, bank holding companies and savings and loan holding companies subject to the Federal Reserve's Small Bank Holding Company Policy Statement, savings and loan holding companies substantially engaged in insurance underwriting or commercial activities, and U.S. companies that control insured depository institutions but are not bank holding companies or savings and loan holding companies. ''Applicable accounting standards'' is defined as Generally Accepted Accounting Principles (''GAAP''), or such other accounting standard or method of estimation that the Board determines is appropriate.[4] The Federal Reserve used information collected on the FR Y–9C, the Parent Company Only Financial Statements for Small Holding Companies (''FR Y–9SP''), and the Financial Company Report of Consolidated Liabilities (''FR XX–1'') to calculate liabilities of these institutions.

Under Regulation XX, liabilities of a foreign banking organization's U.S. operations are calculated using the risk-weighted asset methodology for subsidiaries subject to the risk-based capital rule, plus the assets of all branches, agencies, and nonbank subsidiaries, calculated in accordance with applicable accounting standards. Liabilities attributable to the U.S. operations of a foreign financial company that is not a foreign banking organization are calculated in a similar manner to the method described for foreign banking organizations, and liabilities of a U.S. subsidiary not subject to the risk-based capital rule are calculated based on the U.S. subsidiary's liabilities under applicable accounting standards. The Federal Reserve used information collected on the Capital and Asset Report for Foreign Banking Organizations (''FR Y–7Q''), the FR Y–9C, and the FR XX–1 to calculate liabilities of these institutions.

By order of the Board of Governors of the Federal Reserve System, acting through the Director of Supervision and Regulation under delegated authority.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021–12744 Filed 6–16–21; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Notice of Proposals To Engage in or To Acquire Companies Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR part 225) to engage de novo, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely

[1] Reguation XX implements section 622 of the Dodd-Frank Wall Street Reform and Consumer Protection Act. *See* 12 U.S.C. 1852.

[2] 12 U.S.C. 1852(a)(2), (b); 12 CFR 251.3.

[3] This number reflects the average of the financial sector liabilities figure for the years ending December 31, 2019 ($21,618,290,757,000) and December 31, 2020 (21,957,634,194,000).

[4] A financial company may request to use an accounting standard or method of estimation other than GAAP if it does not calculate its total consolidated assets or liabilities under GAAP for any regulatory purpose (including compliance with applicable securities laws). 12 CFR 251.3(e). In previous years, the Board received and approved requests from eleven financial companies to use an accounting standard or method of estimation other than GAAP to calculate liabilities. Ten of the companies were insurance companies that reported financial information under Statutory Accounting Principles (''SAP''), and one was a foreign company that controlled a U.S. industrial loan company that reported financial information under International Financial Reporting Standards (''IFRS''). For the insurance companies, the Board approved a method of estimation that was based on line items from SAP-based reports, with adjustments to reflect certain differences in accounting treatment between GAAP and SAP. For the foreign company, the Board approved the use of IFRS. Such companies that continue to be subject to Regulation XX continue to use the previously approved methods. The Board did not receive any new requests this year.

related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue, NW, Washington, DC 20551–0001, not later than July 2, 2021.

A. Federal Reserve Bank of Kansas City (Jeffrey Imgarten, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *BSB Bancshares, Inc., Brunswick, Nebraska;* to engage de novo in extending credit and servicing loans, pursuant to section 225.28(b)(1) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, June 14, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021–12821 Filed 6–16–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10209 and CMS–10102]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by July 19, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at: *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html*

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Medicare Advantage Chronic Care Improvement Program (CCIP) Attestations; *Use:* Section 1852(e) of the Social Security Act (the Act) requires that Medicare Advantage (MA) organizations (MAOs) have an ongoing Quality Improvement (QI) Program. CMS regulations at 42 CFR 422.152(a) outline the QI Program requirements for MAOs, which include the development and implementation of a Chronic Care Improvement Program (CCIP) that meets the requirements of 422.152(c) for each contract.

MAOs must use the Health Plan Management System (HPMS) to report the status of their CCIP to CMS by December 31 annually. Submissions include an attestation by the MAO regarding its compliance with the ongoing CCIP requirement (42 CFR 422.152(c)(2)). MAOs are only required to attest electronically that they are complying with the ongoing CCIP requirement. In addition, MAOs should assess and internally document activities related to the CCIP on an ongoing basis, as well as modify interventions and/or processes as necessary. A less frequent collection would not allow CMS to ensure that annual requirements are being met. This collection allows CMS to ensure that annual requirements are still being met, while also reducing plan burden. *Form Number:* CMS–10209 (OMB Control number: 0938–1023); *Frequency:* Annually; *Affected Public:* Private Sector—Business or other for-profits; *Number of Respondents:* 645; Total *Annual Responses:* 645; *Total Annual Hours:* 161. (For policy questions regarding this collection contact Lynn Pereira at 410–786–2274)

2. Type of Information Collection Request: Extension of a currently approved collection; *Title of Information Collection:* National Implementation of Hospital Consumer Assessment of Healthcare Providers and Systems (HCAHPS); *Use:* The HCAHPS (Hospital Consumer Assessment of Healthcare Providers and Systems) Survey is the first national, standardized, publicly reported survey of patients' perspectives of their hospital care. HCAHPS is a 29-item survey instrument and data collection

methodology for measuring patients' perceptions of their hospital experience. Since 2008, HCAHPS has allowed valid comparisons to be made across hospitals locally, regionally and nationally.

The national implementation of HCAHPS is designed to allow third-party CMS-approved survey vendors to administer HCAHPS using mail-only, telephone-only, mixed-mode (mail with telephone follow-up), or active IVR (interactive voice response). With respect to a telephone-only or mixed-mode survey, the CMS-approved survey vendors use electronic data collection or CATI systems. CATI is also used for telephone follow-up with mail survey non-respondents. With respect to IVR survey administration, the IVR technology gathers information from respondents by prompting respondents to answer questions by pushing the numbers on a touch-tone telephone. Patients selected for IVR mode are able to opt out of the interactive voice response system and return to a ''live'' interviewer if they wish to do so. *Form Number:* CMS–10102 (OMB control number: 0938–0981); *Frequency:* Occasionally; *Affected Public:* Individuals and Households; *Number of Respondents:* 2,843,617; *Total Annual Responses:* 2,843,617; *Total Annual Hours:* 347,648. (For policy questions regarding this collection contact William Lehrman at 410–786–1037.)

Dated: June 14, 2021.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2021–12828 Filed 6–16–21; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10305]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by August 16, 2021.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number: ____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at website address at *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html.*

FOR FURTHER INFORMATION CONTACT: William N. Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–10305 Medicare Part C and Part D Data Validation (42 CFR 422.516(g) and 423.514(j))

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collection

1. Type of Information Collection Request: Revision of a currently approved collection; *Title of Information Collection:* Medicare Part C and Part D Data Validation (42 CFR 422.516(g) and 423.514(j)); *Use:* Sections 1857(e) and 1860D–12 of the Social Security Act (''the Act'') authorize CMS to establish information collection requirements with respect to MAOs and Part D sponsors. Section 1857(e)(1)of the Act requires MAOs to provide the Secretary of the Department of Health and Human Services (DHHS) with such information as the Secretary may find necessary and appropriate. Section 1857(e)(1) of the Act applies to Prescription Drug Plans (PDPs) as indicated in section1860D–12. Pursuant to statutory authority, CMS codified these information collection requirements in regulation at §§ 422.516(g) Validation of Part C Reporting Requirements, and423.514(j) Validation of Part D Reporting Requirements respectively.

Data collected via Medicare Part C and Part D reporting requirements are an integral resource for oversight, monitoring, compliance and auditing activities necessary to ensure quality provision of Medicare benefits to beneficiaries. CMS uses the findings collected through the data validation process to substantiate the data reported via Medicare Part C and Part D reporting requirements. Data validation provides CMS with assurance that plan-reported data are credible and consistently collected and reported by Part C and D SOs. CMS uses validated data to

respond to inquiries from Congress, oversight agencies, and the public about Part C and D SOs. The validated data also allows CMS to effectively monitor and compare the performance of SOs over time. Validated plan-reported data may be used for Star Ratings, Display measures and other performance measures. Additionally, SOs can take advantage of the DV process to effectively assess their own performance and make improvements to their internal operations and reporting processes. *Form Number:* CMS–10305 (OMB control number: 0938–1115); *Frequency: Yearly; Affected Public: State, Local, or Tribal Governments; Number of Respondents:* 761; *Total Annual Responses:* 761; *Total Annual Hours:* 20,945. (For policy questions regarding this collection contact Chanelle Jones at 410–786–8008.)

Dated: June 14, 2021.

William N. Parham, III

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2021–12835 Filed 6–16–21; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–417 and CMS–209]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by July 19, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at website address at: *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html.*

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Reinstatement without change of a previously approved collection; *Title of Information Collection:* Hospice Request for Certification and Supporting Regulations; *Use:* The Hospice Request for Certification Form is the identification and screening form used to initiate the certification process and to determine if the provider has sufficient personnel to participate in the Medicare program. The CMS–417 form is completed by existing hospices at the time of their recertification surveys, to update their certification information. *Form Number:* CMS–417 (OMB Control number: 0938–0313); *Frequency:* Annually; *Affected Public:* Private Sector—Business or other for-profits; *Number of Respondents:* 2,059; *Total Annual Responses:* 2,059; *Total Annual Hours:* 1,544. (For policy questions regarding this collection contact Caroline Gallaher at 410–786–8705.)

2. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Laboratory Personnel Report (CLIA) and Supporting Regulations; *Use:* The information collected on this survey form is used in the administrative pursuit of the Congressionally-mandated program with regard to regulation of laboratories participating in CLIA. The surveyor will provide the laboratory with the CMS–209 form. While the surveyor performs other aspects of the survey, the laboratory will complete the CMS–209 by recording the personnel data needed to support their compliance with the personnel requirements of CLIA. The surveyor will then use this information in choosing a sample of personnel to verify compliance with the personnel requirements. Information on personnel qualifications of all technical personnel is needed to ensure the sample is representative of the entire laboratory. *Form Number:* CMS–209 (OMB control number 0938–0151); *Frequency:* Biennially; *Affected Public:* Private Sector—State, Local, or Tribal Governments; and Federal Government; *Number of Respondents:* 19,163; *Total Annual Responses:* 9,582; *Total Annual Hours:* 4,791. (For policy questions regarding this collection contact Kathleen Todd at 410–786–3385.)

Dated: June 14, 2021.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2021–12807 Filed 6–16–21; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Human Genome Research Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Human Genome Research Institute Special Emphasis Panel; Advancing Genomic Medicine Research.

Date: July 28, 2021.

Time: 10:00 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Human Genome Research Institute, National Institutes of Health, 6700B Rockledge Drive, Suite 3100, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Rudy O. Pozzatti, Ph.D., Scientific Review Officer, Scientific Review Branch, National Human Genome Research Institute, National Institutes of Health, 6700B Rockledge Drive, Suite 3100, Bethesda, MD 20892, (301) 435–1580, *pozzattr@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: June 11, 2021.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–12733 Filed 6–16–21; 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: Healthcare Delivery and Methodologies Integrated Review Group; Population and Public Health Approaches to HIV/AIDS Study Section.

Date: July 12–13, 2021.

Time: 9:00 a.m. to 7:00 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: Jose H. Guerrier, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5222, MSC 7852, Bethesda, MD 20892, 301–435–1137, *guerriej@csr.nih.gov.*

Name of Committee: Risk, Prevention and Health Behavior Integrated Review Group; HIV/AIDS Intra- and Inter-personal Determinants and Behavioral Interventions Study Section.

Date: July 12–13, 2021.

Time: 10:00 a.m. to 8:00 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: Mark P. Rubert, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5218, MSC 7852, Bethesda, MD 20892, 301–806–6596, *rubertm@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Skeletal Muscle Sciences.

Date: July 12, 2021.

Time: 12:00 p.m. to 7:00 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: Yi-Hsin Liu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4214, MSC 7814, Bethesda, MD 20892, (301) 435–1781, *liuyh@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: June 11, 2021.

Tyeshia M. Roberson,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–12765 Filed 6–16–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Advancing Translational Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Advancing Translational Sciences Special Emphasis Panel; NCATS Conference Grants Special Emphasis Panel.

Date: July 14, 2021.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Center for Advancing Translational Sciences, National Institutes of Health, 6701 Democracy Boulevard, Room 1037, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Rahat (Rani) Khan, Ph.D., Scientific Review Officer, Office of Scientific Review, National Center for Advancing, Translational Sciences, 6701 Democracy Boulevard, Room 1037, Bethesda, MD 20892, 301–594–7319, *khanr2@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.350, B—Cooperative Agreements; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: June 11, 2021.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–12734 Filed 6–16–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Asthma Education Prevention Program Coordinating Committee, July 09, 2021,

11:00 a.m. to July 09, 2021, 02:00 p.m., National Institutes of Health, 6100 Executive Boulevard, Rockville, MD 20852 which was published in the **Federal Register** on June 09, 2021, FR Doc 2021–12092, 86 FR 30611.

There is a correction to the committee link. The link for NAEPPC is: *https://www.nhlbi.nih.gov/advisory-and-peer-review-committees/national-asthma-education-and-prevention-program-coordinating.*

The meeting is open to the public.

Dated: June 11, 2021.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–12739 Filed 6–16–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Library of Medicine Board of Scientific Counselors.

The meeting will be open to the public as indicated below. Individuals who plan to attend 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.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for review, discussion, and evaluation of individual intramural programs and projects conducted by the NATIONAL LIBRARY OF MEDICINE, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Library of Medicine Board of Scientific Counselors.

Date: October 21, 2021.

Open: October 21, 2021, 11:00 a.m. to 12:30 p.m.

Agenda: Program Discussion and Senior Investigator Report.

Place: Virtual Meeting.

Closed: October 21, 2021, 12:30 p.m. to 12:45 p.m.

Agenda: To review and evaluate personal qualifications, performance, and competence of individual investigators.

Open: October 21, 2021, 12:45 p.m. to 3:45 p.m.

Agenda: Senior Investigator Report.

Closed: October 21, 2021, 3:45 p.m. to 4:15 p.m.

Agenda: To review and evaluate personal qualifications, performance, and competence of individual investigators.

Contact Person: Valerie Florance, Ph.D., Acting Scientific Director, National Library of Medicine, National Institutes of Health, 6705 Rockledge Drive, Suite 500, Bethesda, MD 20892, 301–496–6221, *florancev@mail.nih.gov.*

Any member of the public may submit written comments no later than 15 days in advance of the meeting. 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.

Open sessions of this meeting will be broadcast to the public, and available for viewing at *https://videocast.nih.gov* on October 21, 2021. Please direct any questions to the Contact Person listed on this notice.

(Catalogue of Federal Domestic Assistance Program No. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: June 11, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–12766 Filed 6–16–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2021–0190]

Collection of Information Under Review by Office of Management and Budget; OMB Control Number 1625–0018

AGENCY: Coast Guard, DHS.

ACTION: Thirty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 the U.S. Coast Guard is forwarding an Information Collection Request (ICR), abstracted below, to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0018, Official Logbook; without change. Our ICR describes the information we seek to collect from the public. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

DATES: You may submit comments to the Coast Guard and OIRA on or before July 19, 2021.

ADDRESSES: Comments to the Coast Guard should be submitted using the Federal eRulemaking Portal at *https://www.regulations.gov.* Search for docket number [USCG–2021–0190]. Written comments and recommendations to OIRA for the proposed information collection should be sent within 30 days of publication of this notice to *https://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.

A copy of the ICR is available through the docket on the internet at *https://www.regulations.gov.* Additionally, copies are available from: COMMANDANT (CG–6P), ATTN: PAPERWORK REDUCTION ACT MANAGER, U.S. COAST GUARD, 2703 MARTIN LUTHER KING JR. AVE. SE, STOP 7710, WASHINGTON, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: A.L. Craig, Office of Privacy Management, telephone 202–475–3528, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated

collection techniques or other forms of information technology. These comments will help OIRA determine whether to approve the ICR referred to in this Notice.

We encourage you to respond to this request by submitting comments and related materials. Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. They must also contain the docket number of this request, [USCG–2021–0190], and must be received by July 19, 2021.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *https://www.regulations.gov.* If your material cannot be submitted using *https://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at *https://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. All comments to the Coast Guard will be posted without change to *https://www.regulations.gov* and will include any personal information you have provided. For more about privacy and submissions to the Coast Guard in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020). For more about privacy and submissions to OIRA in response to this document, see the *https://www.reginfo.gov,* comment-submission web page. OIRA posts its decisions on ICRs online at *https://www.reginfo.gov/public/do/PRAMain* after the comment period for each ICR. An OMB Notice of Action on each ICR will become available via a hyperlink in the OMB Control Number: 1625–0018.

Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard published the 60-day notice (86 FR 18995, April 12, 2021) required by 44 U.S.C. 3506(c)(2). That notice elicited no comments. Accordingly, no changes have been made to the Collection.

Information Collection Request

Title: Official Logbook.

OMB Control Number: 1625–0018.

Summary: The Official Logbook contains information about the voyage, the vessel's crew, drills, watches, and operations conducted during the voyage. Official Logbook entries identify particulars of the voyage, including the name of the ship, official number, port of registry, tonnage, names and merchant mariner credential numbers of the master and crew, the nature of the voyage, and class of ship. In addition, it also contains entries for the vessel's drafts, maintenance of watertight integrity of the ship, drills and inspections, crew list and report of character, a summary of laws applicable to Official Logbooks, and miscellaneous entries.

Need: Title 46, United States Code (U.S.C.) sections 11301, 11302, 11303, and 11304 require applicable merchant vessels to maintain an Official Logbook. The Official Logbook contains information about the vessel, voyage, crew, and watch. Lack of these particulars would make it difficult for a seaman to verify vessel employment and wages, and for the Coast Guard to verify compliance with laws and regulations concerning vessel operations and safety procedures. The Official Logbook serves as an official record of recordable events transpiring at sea such as births, deaths, marriages, disciplinary actions, etc. Absent the Official Logbook, there would be no official civil record of these events. The courts accept log entries as proof that the logged event occurred. If this information was not collected, the Coast Guard's commercial vessel safety program would be negatively impacted, as there would be no official record of U.S. merchant vessel voyages. Similarly, those seeking to prove that an event required to be logged occurred would not have an official record available.

Forms:

- CG–706B, Official Logbook.

Respondents: Shipping companies.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden remains at 1,750 hours a year.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended.

Dated: June 11, 2021.

Kathleen Claffie,

Chief, Office of Privacy Management, U.S. Coast Guard.

[FR Doc. 2021–12761 Filed 6–16–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2021–0185]

Collection of Information Under Review by Office of Management and Budget; OMB Control Number 1625–0120

AGENCY: Coast Guard, Homeland Security (DHS).

ACTION: Thirty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard is forwarding an Information Collection Request (ICR), abstracted below, to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0120, U.S. Coast Guard Exchange Non-Apropriated Fund Employment Application; without change. Our ICR describes the information we seek to collect from the public. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

DATES: You may submit comments to the Coast Guard and OIRA on or before July 19, 2021.

ADDRESSES: Comments to the Coast Guard should be submitted using the Federal eRulemaking Portal at *https://www.regulations.gov.* Search for docket number [USCG–2021–0185]. Written comments and recommendations to OIRA for the proposed information collection should be sent within 30 days of publication of this notice to *https://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.

A copy of the ICR is available through the docket on the internet at *https://www.regulations.gov.* Additionally, copies are available from: COMMANDANT (CG–6P), ATTN: PAPERWORK REDUCTION ACT MANAGER, U.S. COAST GUARD, 2703 MARTIN LUTHER KING JR. AVE. SE, STOP 7710, WASHINGTON, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: A.L. Craig, Office of Privacy Management, telephone 202–475–3528, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection. The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. These comments will help OIRA determine whether to approve the ICR referred to in this Notice.

We encourage you to respond to this request by submitting comments and related materials. Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. They must also contain the docket number of this request, [USCG–2021–0185], and must be received by July 19, 2021.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *https://www.regulations.gov.* If your material cannot be submitted using *https://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at *https://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. All comments to the Coast Guard will be posted without change to *https://www.regulations.gov* and will include any personal information you have provided. For more about privacy and submissions to the Coast Guard in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020). For more about privacy and submissions to OIRA in response to this document, see the *https://www.reginfo.gov,* comment-submission web page. OIRA posts its decisions on ICRs online at *https://www.reginfo.gov/public/do/PRAMain* after the comment period for each ICR. An OMB Notice of Action on each ICR will become available via a hyperlink in the OMB Control Number: 1625–0120.

Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard published the 60-day notice (86 FR 16231, March 26, 2021) required by 44 U.S.C. 3506(c)(2). That notice elicited no comments. Accordingly, no changes have been made to the Collection.

Information Collection Request

Title: U.S. Coast Guard Exchange Non-Appropriated Fund Employment Application.

OMB Control Number: 1625–0120.

Summary: The USCG Non-Appropriated Employment Application form will be used to collect applicant qualification information associated with vacancy announcements. The form will allow individuals without resumes, computers and/or those with limited digital literacy equal access to apply for employment opportunities with the Coast Guard Non-appropriated fund (NAF) workforce and will fill the gap created by the cancellation of the Optional Application for Federal Employment, Form OF–612, OMB No. 3206–0219.

Need: The Optional Application for Federal Employment, Form OF–612, was cancelled and the information is now collected in USA Jobs. The NAF personnel system does not utilize USA Jobs because of the high cost and high turnover rate and thus relied heavily on form OF–612 for applicants.

Forms:

- CG–1227B, Non-Appropriated Fund Employment Application.

Respondents: Public applying for positions in the USCG Non-appropriated fund workforce.

Frequency: Per vacancy announcement.

Hour Burden Estimate: The estimated burden has increased from 3837 to 4333 hours a year, due to a change (*i.e.,* increase) in the estimated annual number of respondents.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended.

Dated: June 11, 2021.

Kathleen Claffie,

Chief, Office of Privacy Management, U.S. Coast Guard.

[FR Doc. 2021–12759 Filed 6–16–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R8–ES–2019–N100; FXES11130000–190–FF08E00000]

Endangered and Threatened Wildlife and Plants; Draft Recovery Plan for Nipomo Mesa lupine (Lupinus nipomensis)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability.

SUMMARY: We, the U.S. Fish and Wildlife Service, announce the availability of the Draft Recovery Plan for Nipomo Mesa lupine (*Lupinus nipomensis*) for public review and comment. The draft recovery plan includes objective, measurable criteria, and site-specific management actions as may be necessary to ameliorate threats such that the species can be removed from the Federal List of Endangered and Threatened Plants.

DATES: We must receive any comments on the draft recovery plan on or before July 19, 2021.

ADDRESSES:

Document availability: You may obtain a copy of the recovery plan from our website at *http://www.fws.gov/endangered/species/recovery-plans.html.* Alternatively, you may contact the Ventura Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2493 Portola Road, Suite B, Ventura, California 93003 (telephone 805–644–1766).

Comment submission: If you wish to comment on the draft recovery plan, you may submit your comments in writing by any one of the following methods:

- *U.S. mail:* Field Supervisor, at the above address; or
- *Email: r8ventura-recoverycomments@fws.gov.* For additional information about submitting comments, see the Request for Public Comments section below.

FOR FURTHER INFORMATION CONTACT: Stephen P. Henry, Field Supervisor, at the above street address or telephone number (see **ADDRESSES**).

SUPPLEMENTARY INFORMATION:

Background

Recovery of endangered or threatened animals and plants to the point where they are again secure, self-sustaining members of their ecosystems is a primary goal of our endangered species program and the Endangered Species Act of 1973, as amended (Act; 16 U.S.C. 1531 *et seq.*). Recovery means improvement of the status of listed species to the point at which listing is no longer necessary under the criteria specified in section 4(a)(1) of the Act. The Act requires the development of recovery plans for listed species, unless such a plan would not promote the conservation of a particular species.

Pursuant to section 4(f) of the Act, a recovery plan must, to the maximum extent practicable, include (1) a description of site-specific management actions as may be necessary to achieve the plan's goals for the conservation and survival of the species; (2) objective, measurable criteria which, when met, would support a determination under section 4(a)(1) that the species should be removed from the List of Endangered and Threatened Species; and (3) estimates of the time and costs required to carry out those measures needed to achieve the plan's goal and to achieve intermediate steps toward that goal.

The Service has revised its approach to recovery planning; the revised process is called Recovery Planning and Implementation (RPI). The RPI process is intended to reduce the time needed to develop and implement recovery plans, increase recovery plan relevancy over a longer timeframe, and add flexibility to recovery plans so they can be adjusted to new information or circumstances. Under RPI, a recovery plan will include statutorily required elements (objective, measurable criteria; site-specific management actions; and estimates of time and costs), along with a concise introduction and our strategy for how we plan to achieve species recovery. The RPI recovery plan is supported by a separate Species Status Assessment, or in cases such as this one, a species biological report that provides the background information and threat assessment, which are key to recovery plan development. The essential component to flexible implementation under RPI is producing a separate working document called the Recovery Implementation Strategy (implementation strategy). The implementation strategy steps down from the more general description of actions described in the recovery plan to detail the specific, near-term activities needed to implement the recovery plan. The implementation strategy will be adaptable by being able to incorporate new information without having to concurrently revise the recovery plan, unless changes to statutory elements are required.

The Service listed Nipomo Mesa lupine (Nipomo lupine, *Lupinus nipomensis*) as endangered in 2000 (65 FR 14888). Nipomo lupine is a small, annual species in the Fabaceae (legume; pea and bean) family. Germination of Nipomo lupine seed is stimulated by the first adequate rainfall event in the autumn or winter and occurs in patches of bare soil. The flowers are bilaterally symmetric and composed of five purplish to pink petals. The species is likely capable of both selfing and outcrossing, although a specific pollinator has yet to be identified. Most plants typically start to form fruits (like a conventional pea pod) between the months of April and June and do not stop fruiting until the plants die. Nipomo lupine likely has a persistent seed bank because it has a hard, orthodox seed.

Nipomo lupine is restricted to stabilized coastal dune scrub habitat that is associated with the Nipomo Mesa in southwestern San Luis Obispo County, California. Its current geographic range is restricted to an area that is approximately 5.2 square kilometers (two square miles). The species is known from a single population that is currently recognized as three separate occurrences. Two of the three occurrences are currently extant, the smaller of which was re-established through experimental outplanting efforts. The third occurrence has been extirpated.

The primary threats to Nipomo lupine include displacement and habitat loss from invasive species (especially perennial veldt grass) and development activities (Factor A), seed predation (Factor C), stochastic loss and extinction (Factor E), and climate change (Factor E). All of these threats are compounded by the species biology including: Likely low genetic diversity (due to its apparent lack of an insect pollinator, selfing reproductive strategy, small population size, and small geographic extent), annual life cycle, dependence on adequate and seasonally-timed rainfall events to cue germination, and limited distribution of suitable habitat.

Recovery Strategy

The purpose of a recovery plan is to provide a framework for the recovery of a species so that protection under the Act is no longer necessary. A recovery plan includes scientific information about the species and provides criteria that enable us to gauge whether downlisting or delisting the species is warranted. Furthermore, recovery plans help guide our recovery efforts by describing actions we consider necessary for each species' conservation and by estimating time and costs for implementing needed recovery measures.

The goal of this draft recovery plan is to control or ameliorate impacts from current threats to Nipomo lupine such that the taxon no longer requires protections afforded by the Act and, therefore, warrants delisting. Continued coordination and outreach with our partners is needed to ensure long-term protections are afforded to Nipomo lupine and its habitat. The site-specific management actions identified in the draft recovery plan are as follows:

(1) Protect all currently unprotected habitat where the species occurs.

(2) Conduct outplanting activities at suitable sites to establish new occurrences throughout the Guadalupe-Nipomo Dunes region.

(3) Manage habitat that supports the species to reduce or eliminate threats.

(4) Collect seed and deposit accessions into the permanent conservation seedbank.

(5) Conduct annual census monitoring and experimental research projects.

(6) Determine those factors necessary for seed survival, optimal germination, and effective seedling establishment.

(7) Conduct genetics and demographic research.

(8) Develop opportunities for education and outreach.

Request for Public Comments

We request written comments on the draft recovery plan described in this notice. All comments received by the date specified in **DATES** will be considered in development of a final recovery plan for Nipomo lupine. You may submit written comments and information by mail, email, or in person to the Ventura Fish and Wildlife Office at the above address (see **ADDRESSES**).

Public Availability of Comments

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.

Authority

We developed this recovery plan and publish this notice under the authority

of section 4(f) of the Act, 16 U.S.C. 1533(f).

Paul Souza,

Regional Director.

[FR Doc. 2021–12763 Filed 6–16–21; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[F–21901–33, F–21901–34, F–21901–35, F–21901–71, F–21904–39, F–21904–40, F–21904–42, F–21904–43, F–21904–44, F–21904–46, F–21904–47, F–21904–48, F–21904–76, F–21904–77, F–21904–78, F–21904–83, F–21904–93, F–21905–62, F–21905–74, F–21905–76, F–21905–78, F–21905–79; 212X.LLAK.944000.L14100000.HY0000–P]

Alaska Native Claims Selection

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of decision approving lands for conveyance.

SUMMARY: The Bureau of Land Management (BLM) hereby provides constructive notice that the decision approving lands for conveyance to Doyon, Limited, published in the **Federal Register** on March 11, 2009, will be modified to add one trail easement and to modify another trail easement to be reserved to the United States pursuant to Sec. 17(b) of ANCSA.

DATES: Any party claiming a property interest in the lands by this decision may appeal the decision in accordance with the requirements of 43 CFR part 4 within the time limits set out in the **SUPPLEMENTARY INFORMATION** section.

ADDRESSES: You may obtain a copy of the decision from the BLM, Alaska State Office, 222 West Seventh Avenue, #13, Anchorage, AK 99513–7504.

FOR FURTHER INFORMATION CONTACT: Matthew R. Lux, BLM Alaska State Office, 907–271–3176, or *mlux@blm.gov*. Persons who use a Telecommunications Device for the Deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact the above individual. The FRS is available 24 hours a day, 7 days a week. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: As required by 43 CFR 2650.7(d), notice is hereby given that the decision approving lands for conveyance to Doyon, Limited, published in the **Federal Register** on March 11, 2009, (74 FR 10609), will be modified to add one trail easement and to modify another trail easement to be reserved to the United States pursuant to Sec. 17(b) of ANCSA (43 U.S.C. 1616(b)).

The BLM will publish notice of the decision once a week for four consecutive weeks in the ''Fairbanks Daily News-Miner''.

Any party claiming a property interest in the lands affected by the decision may appeal the decision in accordance with the requirements of 43 CFR part 4 within the following time limits:

1. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who fail or refuse to sign their return receipt and parties who receive a copy of the decision by regular mail, which is not certified, return receipt requested, shall have until July 19, 2021 to file an appeal.

2. Parties receiving service of the decision by certified mail shall have 30 days from the date of receipt to file an appeal.

Parties who do not file an appeal in accordance with the requirements of 43 CFR part 4 shall be deemed to have waived their rights. Notices of appeal by facsimile will not be accepted as timely filed. Except as modified, the decision of March 11, 2009, notice of which was given March 11, 2009, is final.

Matthew R. Lux,

Land Law Examiner, Adjudication Section.

[FR Doc. 2021–12732 Filed 6–16–21; 8:45 am]

BILLING CODE 4310–JA–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#–32137; 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 June 5, 2021, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted electronically by July 2, 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.

FOR FURTHER INFORMATION CONTACT: Sherry A. Frear, Chief, National Register of Historic Places/National Historic Landmarks Program, 1849 C Street NW, MS 7228, Washington, DC 20240, *sherry_frear@nps.gov,* 202–913–3763.

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 June 5, 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:

CALIFORNIA

Los Angeles County

Point Fermin Historic District, (Light Stations of California MPS), 807 West Paseo Del Mar, 3601 Gaffey St., San Pedro, MP100006727

Nevada County

Truckee Veterans Memorial Building, 10214 High St., Truckee, SG100006720

Tuolumne County

Sierra Railway Shops Historic District, 18115 5th Ave., Jamestown, SG100006719

LOUISIANA

Avoyelles Parish

St. Anthony of Padua Catholic Church, 209 South Holly St., Bunkie, SG100006721

Orleans Parish

Houses at 3014–3038 Leonidas Street, 3014–3038 Leonidas St., New Orleans, SG100006724

St. Tammany Parish

Teddy Avenue Residential Historic District 169, 190–604 Teddy Ave., 1737, 1742 4th St., Slidell, SG100006725

SOUTH DAKOTA

Clay County

First Congregational Church, Vermillion, 226 East Main St., Vermillion, SG100006723

TEXAS

Bexar County

Aurora Apartment Hotel, 509 Howard St., San Antonio, SG100006722

Additional documentation has been received for the following resources:

KENTUCKY

Jefferson County

St. James-Belgravia Historic District (Additional Documentation), Roughly bounded by Central Park, South 4th, South 6th, and Hill Sts., Louisville, AD72000538

Old Louisville Residential District (Additional Documentation), Irregular pattern roughly bounded by South 7th St., North-South Expwy., Kentucky St., and Avery St., Louisville, AD75000772

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 property in the National Register of Historic Places.

ARKANSAS

Newton County

Henderson, Frank and Eva Barnes ''Granny,'' Farm, Southwest of Hemmed In Hollow, approx. 1/10 mi. west of Buffalo R. just south of Sneeds Cr., Compton vicinity, SG100006726

Authority: Section 60.13 of 36 CFR part 60

Dated: June 8, 2021.

Sherry A. Frear,

Chief, National Register of Historic Places/National Historic Landmarks Program.

[FR Doc. 2021–12837 Filed 6–16–21; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1528 (Final)]

Seamless Refined Copper Pipe and Tube From Vietnam; Cancellation of Hearing for a Final Phase Anti-Dumping Duty Investigation

AGENCY: United States International Trade Commission.

ACTION: Notice.

DATES: June 11, 2021.

FOR FURTHER INFORMATION CONTACT: Jordan Harriman ((202) 205–2610), 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 (*http://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION: Effective February 1, 2021, the Commission published its schedule for the final phase of this investigation (86 FR 10994, February 23, 2021). On June 1, 2021, petitioners American Copper Tube Coalition and its constituent members, and interested party GD Copper USA Inc. (collectively, ''domestic producers''), requested that the Commission cancel the hearing for this investigation if no other party requested to appear at the hearing before the June 8, 2021 deadline for such request. On June 8, 2021, petitioners reiterated the proposal to cancel the hearing, and clarified on June 10, 2021 that they were withdrawing any request to participate in a hearing. Counsel indicated a willingness to submit written responses to any Commission questions in lieu of an actual hearing. Consequently, since no party to the investigation has requested a hearing, the public hearing in connection with this investigation, scheduled to begin at 9:30 a.m. on June 15, 2021, is canceled. Parties to this investigation should respond to any written questions posed by the Commission in their posthearing briefs, which are due to be filed on June 22, 2021.

For further information concerning this investigation see the Commission's notice cited above and the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

Authority: This investigation is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.21 of the Commission's rules.

By order of the Commission.

Issued: June 11, 2021.

Katherine Hiner,

Acting Secretary to the Commission.

[FR Doc. 2021–12731 Filed 6–16–21; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. AA1921–167 (Fifth Review)]

Pressure Sensitive Plastic Tape From Italy; Termination of Five-Year Review

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission instituted the subject five-year review in March 1, 2021 to determine whether revocation of the antidumping duty order on pressure sensitive plastic tape from Italy would be likely to lead to continuation or recurrence of material injury. On June 7, 2021, the Department of Commerce published notice that it was revoking the order effective April 14, 2021, because no domestic interested party filed a timely notice of intent to participate. Accordingly, the subject review is terminated.

DATES: April 14, 2021 (effective date of revocation of the order).

FOR FURTHER INFORMATION CONTACT: Andres Andrade (202–205–2078), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*).

Authority: This review is being terminated under authority of title VII of the Tariff Act of 1930 and pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)). This notice is published pursuant to § 207.69 of the Commission's rules (19 CFR 207.69).

By order of the Commission.

Issued: June 11, 2021.

Katherine Hiner,

Acting Secretary to the Commission.

[FR Doc. 2021–12730 Filed 6–16–21; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Silicon Photovoltaic Cells and Modules with Nanostructures, and Products Containing the Same, DN 3552;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (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 United States International Trade Commission (USITC) at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Advanced Silicon Group Technologies, LLC on June 11, 2021. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain silicon photovoltaic cells and modules and nanostructures, and products containing the same. The complainant names as respondents: Canadian Solar, Inc. of Canada; Canadian Solar International Limited of China; Canadian Solar Manufacturing (Changshu) Co. Inc. of China; Canadian Solar Manufacturing (Luoyang) Inc. of China; Canadian Solar Manufacturing (Thailand) Co. Ltd. of Thailand; Canadian Solar Manufacturing Vietnam Co., Ltd. of Vietnam; Canadian Solar Solutions, Inc. of Canada; Canadian Solar Construction (USA) LLC of Walnut Creek, CA; Canadian Solar (USA) Inc. of Walnut Creek, CA; Recurrent Energy Group, Inc. of San Francisco, CA; Recurrent Energy LLC of Walnut Creek, CA; Recurrent Energy SH Proco LLC of Walnut Creek, CA; Hanwha Q CELLS, & Advanced Materials Corp of South Korea; Hanwha Q Cells GmbH of Germany; Hanwha Q Cells Malaysia Sdn. Bhd. of Malaysia; Hanwha Q Cells (Qidong) Co., Ltd. of China; Hanwha Solutions Corporation of South Korea; Hanwha Energy USA Holding Corp. (d/b/a 174 Power Global Corporation) of Irvine, CA; Hanwha Q Cell EPC USA LLC of Irvine, CA; Hanwha Q Cells America Inc. of Irvine, CA; Hanwha Q Cells USA Corp. of Irvine, CA; Hanwha Q Cells USA Inc. of Dalton, GA; HQC Rock River Solar Holdings LLC of Irvine, CA; HQC Rock River Solar Power Generation Station, LLC of Beloit, WI; Boviet Solar Technology Co., Ltd. of Vietnam; Ningbo Boway Alloy Material Co., Ltd. of China; Boviet Renewable Power LLC of San Jose, CA; and Boviet Solar USA Ltd. of San Jose, CA. The complainant requests that the Commission issue a limited exclusion order, cease and desist orders, and impose a bond upon respondent alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues must also be filed by no later than the close of business, eight calendar days after publication of this notice in the **Federal Register**. Complainant may file replies to any written submissions no later than three calendar days after the date on which any initial submissions were due. No other submissions will be accepted, unless requested by the Commission. Any submissions and replies filed in response to this Notice are limited to five (5) pages in length, inclusive of attachments.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. Submissions should refer to the docket number (''Docket No. 3552'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures [1]). 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. Persons with questions regarding filing should contact the Secretary at *EDIS3Help@usitc.gov.*

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

[1] Handbook for Electronic Filing Procedures: *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.*

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,[2] solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[3]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: June 11, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–12811 Filed 6–16–21; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–854]

Importer of Controlled Substances Application: Xcelience

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Xcelience has applied to be registered as an importer of basic class(es) of controlled substance(s). Refer to Supplementary Information listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before July 19, 2021. Such persons may also file a written request for a hearing on the application on or before July 19, 2021.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on April 28, 2021, Xcelience, 4901 West Grace Street, Tampa, Florida 33607–3805, applied to be registered as an importer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Psilocybin	7437	I

The company plans to import drug code 7437 (Psilocybin) as finished dosage form for clinical trials, research, and analytical purposes.

Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of Food and Drug Administration-approved or non-approved finished dosage forms for commercial sale.

William T. McDermott,

Assistant Administrator.

[FR Doc. 2021–12816 Filed 6–16–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–855]

Bulk Manufacturer of Controlled Substances Application: Organix Inc.

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Organix Inc. has applied to be registered as a bulk manufacturer of basic class(es) of controlled substance(s). Refer to Supplemental Information listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before August 16, 2021. Such persons may also file a written request for a hearing on the application on or before August 16, 2021.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.33(a), this is notice that on April 27, 2021, Organix Inc., 240 Salem Street, Woburn, Massachusetts 01801–2029, applied to be registered as an bulk manufacturer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Mescaline	7381	I
3,4,5-trimethoxyamphetamine	7390	I
4-bromo-2,5-dimethoxyphenethylamine	7392	I
3,4-methylenedioxyamphetamine	7400	I
3,4-methylenedioxymethamphetamine	7405	I
2-(2,5-dimethoxyphenyl)ethanamine	7517	I
2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine	7518	I

[2] All contract personnel will sign appropriate nondisclosure agreements.

[3] Electronic Document Information System (EDIS): *https://edis.usitc.gov.*

The company plans to bulk manufacture small quantities of the above controlled substances for use in clinical research. No other activities for these drug codes are authorized for this registration.

William T. McDermott,

Assistant Administrator.

[FR Doc. 2021–12817 Filed 6–16–21; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–853]

Importer of Controlled Substances Application: Andersonbrecon Inc. DBA PCI of Illinois

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Andersonbrecon Inc. DBA PCI of Illinois has applied to be registered as an importer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before July 19, 2021. Such persons may also file a written request for a hearing on the application on or before July 19, 2021.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All request for a hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on May 17, 2021, Andersonbrecon Inc. DBA PCI of Illinois, 5775 Logistics Parkway, Rockford, Illinois 61109–3608 applied to be registered as an importer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Tetrahydrocannabinols	7370	I

The company plans to import the listed controlled substance for clinical trial studies only. No other activity for these drug codes is authorized for this registration.

Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of the Food and Drug Administration-approved or non-approved finished dosage forms for commercial sale.

William T. McDermott,

Assistant Administrator.

[FR Doc. 2021–12819 Filed 6–16–21; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Johnny C. Benjamin, Jr., M.D.; Decision and Order

I. Procedural Background

On September 28, 2018, the Assistant Administrator, Diversion Control Division, Drug Enforcement Administration (hereinafter, DEA or Government), issued an Order to Show Cause (hereinafter, OSC) to Johnny C. Benjamin, Jr., M.D. (hereinafter, Registrant) of Vero Beach, Florida. OSC, at 1. The OSC proposed the revocation of Registrant's Certificate of Registration No. BB3725732. *Id.* It alleged that Registrant has ''been convicted of a felony relating to controlled substances and ha[s] no state authority to handle controlled substances.'' *Id.* (citing 21 U.S.C. 824(a)(2) & (a)(3)).

Specifically, the OSC alleged that on April 27, 2018, Registrant was convicted by a Federal jury of: Conspiracy to possess with intent to distribute furanyl fentanyl resulting in death, in violation of 21 U.S.C. 846; distribution of furanyl fentanyl resulting in death, in violation of 21 U.S.C. 841(a)(1); attempt to possess with intent to distribute acetyl fentanyl, in violation of 21 U.S.C. 846; possession with intent to distribute oxycodone, in violation of 21 U.S.C. 841(a)(1); and conspiracy to possess with intent to distribute hydrocodone and oxycodone, in violation of 21 U.S.C. 846. *Id.* at 2. The OSC alleged that on July 6, 2018, the court issued its Judgment and sentenced Registrant to life in prison. *Id.* The OSC also alleged that, on May 3, 2018, ''the State of Florida Department of Health immediately suspended Registrant's Florida Medical License.'' *Id.* The OSC further alleged that, as a result, Registrant is ''currently without authority to handle controlled substances in the State of Florida, the state in which [Registrant] is registered with the DEA.'' *Id.* (citing 21 U.S.C. 824(a)(3); 21 CFR 1301.37(b)). The OSC concluded that ''DEA must revoke . . . [Registrant's] DEA registration based on [his] lack of authority to handle controlled substances in the State of Florida.'' OSC, at 2.

The OSC notified Registrant of the right to request a hearing on the allegations or to submit a written statement, while waiving the right to a hearing, the procedures for electing each option, and the consequences for failing to elect either option. *Id.* at 2–3 (citing 21 CFR 1301.43). The OSC also notified Registrant of the opportunity to submit a corrective action plan. OSC, at 3–4 (citing 21 U.S.C. 824(c)(2)(C)).

II. Adequacy of Service

In a sworn Declaration, dated January 17, 2019, a DEA Diversion Investigator assigned to the West Palm Beach District Office of the Miami Division (hereinafter, DI) stated that she ''spoke by telephone with United States Penitentiary Coleman SIS Technician [T.B.] to determine what procedures the prison had in place for serving legal documents on prisoners and [to] make arrangements for service of the [OSC] on Registrant.'' Government's Request for Final Agency Action (hereinafter, RFAA) Exhibit (hereinafter, RFAAX) 7 (DI Declaration), at 1. DI stated that T.B. explained that T.B. ''would personally serve the [OSC] on [Registrant].'' *Id.* Accordingly, DI stated that, on October 10, 2018, she sent the OSC via FedEx addressed to T.B. along with an unsigned Form DEA–12, Receipt for Cash or Other items. *Id.* DI further declared that on October 18, 2018, she ''received a FedEx package . . . from [T.B.] with the Form DEA–12 which had been signed by Registrant and witnessed by [T.B.], dated October 16, 2018.'' *Id.; see also* RFAAX 7, Attachment (Form DEA–12).

Additionally, on September 28, 2018, the DEA Office of Chief Counsel (hereinafter, CC) mailed the OSC to Registrant at both his registered address and his prison address. RFAAX 6 (CC Declaration of Service). Neither letter was returned to the Office of Chief Counsel as undeliverable. *Id.*

The Government forwarded its RFAA, along with the evidentiary record, to this office on January 23, 2019. In its RFAA, the Government represents that

''at least thirty days have passed since the time the [OSC] was served on Registrant'' and no request for hearing has been received by DEA. RFAA, at 2. The Government requests revocation of Registrant's DEA Certificate of Registration, because Registrant's ''conviction of a felony relating to controlled substances, even apart from his lack of state authority, is a basis upon which his registration should be revoked'' and because ''DEA does not have statutory authority to maintain a registration if the registrant is without state authority to handle controlled substances.'' *Id.* at 5.

Based on the DI's and CC's Declarations, the Government's written representations, and my review of the record, I find that the Government accomplished service of the OSC on Registrant on (or before) October 16, 2018. I also find that more than thirty days have now passed since the Government accomplished service of the OSC. Further, based on the Government's written representations, I find that neither Registrant, nor anyone purporting to represent the Registrant, requested a hearing, submitted a written statement while waiving Registrant's right to a hearing, or submitted a corrective action plan. Accordingly, I find that Registrant has waived the right to a hearing and the right to submit a written statement and corrective action plan. 21 CFR 1301.43(d) and 21 U.S.C. 824(c)(2)(C). I, therefore, issue this Decision and Order based on the record submitted by the Government, which constitutes the entire record before me. 21 CFR 1301.43(e).

III. Findings of Fact

A. Registrant's DEA Registration

Registrant is the holder of DEA Certificate of Registration No. BB3725732 at the registered address of 1355 37th St., Suite 301, Vero Beach, FL 32960. RFAAX 1 (Certification of Registration Status). Pursuant to this registration, Registrant is authorized to dispense controlled substances in schedules II through V as a practitioner. *Id.* Registrant's registration expired on July 31, 2020.[1] *Id.*

B. The Status of Registrant's State License

The Government submitted evidence that the Florida Board of Medicine (hereinafter, the FBM) issued an emergency suspension of Registrant's Florida Medical License on May 3, 2018. RFAAX 4 (FBM Order of Emergency Suspension). In the Order of Emergency Suspension, the FBM noted that Registrant's ''attempts to disguise his participation in illicit drug trades by using his credentials as a physician licensed in the state of Florida to purportedly be able to 'grow cannabis for patients' and to be able to traffic thousands of counterfeit oxycodone pills as 'self-prescribed cancer pills' indicate that [Registrant] lacks the good judgment [and] moral character required of a physician licensed to practice medicine in the state of Florida.'' *Id.* at 21. Further, the FBM found that:

> [Registrant's] recurrent engagement in an unlawful and complex scheme to manufacture and distribute highly addictive and deadly controlled substances, continuing after [Registrant] had knowledge that his actions resulted in the death of another human being, and his attempts to limit his future criminal culpability by causing injury or death in a geographical location far away from him the next time it inevitably happens, indicate that [Registrant's] continued, unrestricted practice of medicine poses an immediate serious danger to the public health, safety or welfare.

Id.

The Government also submitted evidence demonstrating that FBM issued a Final Order revoking Registrant's medical license effective December 20, 2018. RFAAX 5 (FBM Final Order), at 2–3. The FBM Final Order was issued based on a complaint related to Registrant's conviction of felonies related to controlled substances. *Id.* (Attachment).

According to Florida's online records, of which I take official notice, Registrant's medical license remains revoked.[2] Florida Department of Health MQA Search Services, Health Care Providers, *https://appsmqa.doh.state.fl.us/MQASearchServices/HealthCareProviders* (last visited date of signature of this Order). As such, I find that Registrant's Florida medical license is revoked.

C. Registrant's Conviction

On April 27, 2018, Registrant was found guilty by a Federal jury of: Conspiracy to possess with intent to distribute furanyl fentanyl resulting in death, in violation of 21 U.S.C. 846; distribution of furanyl fentanyl resulting in death, in violation of 21 U.S.C. 841(a)(1); attempt to possess with intent to distribute acetyl fentanyl, in violation of 21 U.S.C. 846; possession with intent to distribute oxycodone, in violation of 21 U.S.C. 841(a)(1); and conspiracy to possess with intent to distribute hydrocodone and oxycodone, in violation of 21 U.S.C. 846. RFAAX 3 (*U.S.* v. *Johnny Clyde Benjamin, Jr.,* Judgment in a Criminal Case, Case No 17–80203–CR–DIMITROULEAS (S.D. Fla. filed July 9, 2018)). On July 6, 2018, the court issued its Judgment and sentenced Registrant to life in prison. *Id.* at 2.

IV. DISCUSSION

A. Loss of State Authority

Pursuant to 21 U.S.C. 824(a)(3), the Attorney General is authorized to suspend or revoke a registration issued under section 823 of the Controlled Substances Act (hereinafter, CSA) ''upon a finding that the registrant . . . has had his State license or registration suspended . . . [or] revoked . . . by competent State authority and is no longer authorized by State law to engage in the . . . dispensing of controlled substances.'' With respect to a practitioner, the DEA has also long held that the possession of authority to dispense controlled substances under the laws of the state in which a practitioner engages in professional practice is a fundamental condition for obtaining and maintaining a practitioner's registration. *See, e.g., James L. Hooper, M.D.,* 76 FR 71,371 (2011), *pet. for rev. denied,* 481 F. App'x 826 (4th Cir. 2012); *Frederick Marsh Blanton, M.D.,* 43 FR 27,616, 27,617 (1978).

This rule derives from the text of two provisions of the CSA. First, Congress defined the term ''practitioner'' to mean ''a physician . . . or other person licensed, registered, or otherwise permitted, by . . . the jurisdiction in which he practices . . . , to distribute, dispense, . . . [or] administer . . . a

[1] The fact that a Registrant's registration expires during the pendency of an OSC does not impact my jurisdiction or prerogative under the Controlled Substances Act (hereinafter, CSA) to adjudicate the OSC to finality. *Jeffrey D. Olsen, M.D.,* 84 FR 68,474 (2019).

[2] Under the Administrative Procedure Act, an agency ''may take official notice of facts at any stage in a proceeding—even in the final decision.'' United States Department of Justice, Attorney General's Manual on the Administrative Procedure Act 80 (1947) (Wm. W. Gaunt & Sons, Inc., Reprint 1979). Pursuant to 5 U.S.C. 556(e), ''[w]hen an agency decision rests on official notice of a material fact not appearing in the evidence in the record, a party is entitled, on timely request, to an opportunity to show the contrary.'' Accordingly, Applicant may dispute my finding by filing a properly supported motion for reconsideration of finding of fact within fifteen calendar days of the date of this Order. Any such motion shall be filed with the Office of the Administrator and a copy shall be served on the Government. In the event Applicant files a motion, the Government shall have fifteen calendar days to file a response. Any such motion and response shall be filed and served by email on the other party at the email address the party submitted for receipt of communications related to this administrative proceeding, and on the Office of the Administrator, Drug Enforcement Administration at *dea.addo.attorneys@dea.usdoj.gov.*

controlled substance in the course of professional practice.'' 21 U.S.C. 802(21). Second, in setting the requirements for obtaining a practitioner's registration, Congress directed that ''[t]he Attorney General shall register practitioners . . . if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices.'' 21 U.S.C. 823(f). Because Congress has clearly mandated that a practitioner possess state authority in order to be deemed a practitioner under the CSA, the DEA has held repeatedly that revocation of a practitioner's registration is the appropriate sanction whenever he is no longer authorized to dispense controlled substances under the laws of the state in which he practices. *See, e.g., James L. Hooper,* 76 FR at 71,371–72; *Sheran Arden Yeates, M.D.,* 71 FR 39,130, 39,131 (2006); *Dominick A. Ricci, M.D.,* 58 FR 51,104, 51,105 (1993); *Bobby Watts, M.D.,* 53 FR 11,919, 11,920 (1988); *Frederick Marsh Blanton,* 43 FR at 27,617.

According to Florida statute, ''A practitioner, in good faith and in the course of his or her professional practice only, may prescribe, administer, [or] dispense . . . a controlled substance.'' Fla. Stat. Ann. § 893.05(1)(a) (West, Current with laws of the 2021 First Regular Session of the Twenty-Seventh Legislature in effect through May 25, 2021). Further, ''practitioner,'' as defined by Florida statute, includes ''a physician licensed under chapter 458.'' [3] Fla. Stat. Ann. § 893.02(23) (West, Current with laws of the 2021 First Regular Session of the Twenty-Seventh Legislature in effect through May 25, 2021).

Here, the undisputed evidence in the record is that Registrant's license to practice medicine is currently revoked. As such, he is not a ''practitioner'' as that term is defined by Florida statute. As already discussed, however, a physician must be a practitioner to dispense a controlled substance in Florida. Thus, because Registrant lacks authority to practice medicine in Florida, he is not currently authorized to handle controlled substances in Florida.

B. Registrant's Felony Conviction

Pursuant to section 304(a)(2) of the CSA, the Attorney General is authorized to suspend or revoke a registration ''upon a finding that the registrant . . . has been convicted of a felony under this subchapter or subchapter II of this chapter or any other law of the United States . . . relating to any substance defined in this subchapter as a controlled substance or a list I chemical.'' 21 U.S.C. 824(a)(2). Each subsection of Section 824(a) provides an independent ground to impose a sanction on a registrant. *Arnold E. Feldman, M.D.,* 82 FR 39,614, 39,617 (2017).

Here, there is no dispute in the record that Registrant has been convicted of conspiracy to possess with intent to distribute furanyl fentanyl resulting in death, in violation of 21 U.S.C. 846; distribution of furanyl fentanyl resulting in death, in violation of 21 U.S.C. 841(a)(1); attempt to possess with intent to distribute acetyl fentanyl, in violation of 21 U.S.C. 846; possession with intent to distribute oxycodone, in violation of 21 U.S.C. 841(a)(1); and conspiracy to possess with intent to distribute hydrocodone and oxycodone, in violation of 21 U.S.C. 846, which constitutes a felony conviction ''relating to'' controlled substances as those terms are defined in 21 U.S.C. 824(a)(2). 21 U.S.C. 846 and 841(a)(1); *William J. O'Brien, III, D.O.,* 82 FR 46,527, 46,529 (2017).

Where, as here, the Government has met its *prima facie* burden of showing that two grounds for revocation exist, the burden shifts to the Registrant to show why he can be entrusted with a registration. *See Jeffrey Stein, M.D.,* 84 FR 46,968, 46,972 (2019). Registrant, as already discussed, failed to respond in any way to the OSC. *See* RFAA, at 6. Therefore, among other things, Registrant has not accepted responsibility for his criminality, shown any remorse for it, or provided any assurance that he would not repeat it. *See Jeffrey Stein, M.D.,* 84 FR at 46,972–74. Such silence weighs against the Registrant's continued registration. *Zvi H. Perper, M.D.,* 77 FR 64,131 64,142 (2012) (citing *Medicine Shoppe-Jonesborough,* 73 FR 264, 387 (2008); *Samuel S. Jackson,* 72 FR 23,848, 23,853 (2007)); *see also Jones Total Health Care Pharmacy, LLC* v. *Drug Enf't Admin.,* 881 F3d. 823, 831 (11th Cir. 2018) (''An agency rationally may conclude that past performance is the best predictor of future performance.'') (quoting *Alra Laboratories, Inc.* v. *Drug Enf't Admin.,* 54 F.3d 450, 452 (7th Cir. 1995))).

Further, the CSA authorizes the Attorney General to ''promulgate and enforce any rules, regulations, and procedures which he may deem necessary and appropriate for the efficient execution of his functions under this subchapter.'' 21 U.S.C. 871(b). This authority specifically relates ''to 'registration' and 'control,' and 'for the efficient execution of his functions' under the statute.'' *Gonzales* v. *Oregon,* 546 U.S. 243, 259 (2006). A clear purpose of this authority is to ''bar[] doctors from using their prescription-writing powers as a means to engage in illicit drug dealing and trafficking . . . .'' *Id.* at 270. In this case, Registrant has demonstrated the precise behavior that the Agency's authority is intended to prevent by engaging in outright drug dealing with appalling disregard for the value of human life. Registrant's behavior is ''so obviously egregious that revocation is warranted.'' *William J. O'Brien, III, D.O.,* 82 FR at 46,529.

Based on the record before me, I conclude that Registrant's founded criminality and lack of state authority to handle controlled substances in his state of DEA registration each make him ineligible to maintain a DEA registration. Accordingly, I shall order the sanctions the Government requested, as contained in the Order below.

Order

Pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 824(a), I hereby revoke DEA Certificate of Registration No. BB3725732 issued to Johnny C. Benjamin, Jr., M.D. Further, pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 823(f), I hereby deny any pending application of Johnny C. Benjamin, Jr., M.D. to renew or modify this registration, as well as any other pending application of Johnny C. Benjamin, Jr., M.D. for additional registration in Florida. This Order is effective July 19, 2021.

D. Christopher Evans,

Acting Administrator.

[FR Doc. 2021–12753 Filed 6–16–21; 8:45 am]

BILLING CODE 4410–09–P

[3] Chapter 458 regulates medical practice.

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Tareq A. Khedir Al-Tiae, M.D.; Decision and Order

On February 11, 2021, the Assistant Administrator, Diversion Control Division, Drug Enforcement Administration (hereinafter, Government), issued an Order to Show Cause (hereinafter, OSC) to Tareq A. Khedir Al-Tiae, M.D. (hereinafter, Registrant) of Lincoln, NE. OSC at 1. The OSC proposed the revocation of Registrant's Certificate of Registration No. FK4149882. It alleged that Registrant is without ''authority to handle controlled substances in the State of Nebraska, the state in which

[Registrant is] registered with DEA.'' *Id.* at 2 (citing 21 U.S.C. 824(a)(3)).

Specifically, the OSC alleged that the Nebraska Department of Health and Human Services suspended Registrant's Nebraska medical license on July 1, 2020. *Id.* According to the OSC, Registrant's Nebraska medical license subsequently expired on October 1, 2020. *Id.*

The OSC notified Registrant of the right to request a hearing on the allegations or to submit a written statement, while waiving the right to a hearing, the procedures for electing each option, and the consequences for failing to elect either option. *Id.* (citing 21 CFR 1301.43). The OSC also notified Registrant of the opportunity to submit a corrective action plan. *Id.* at 3 (citing 21 U.S.C. 824(c)(2)(C)).

Adequacy of Service

In a Declaration dated May 10, 2021, a Diversion Investigator (hereinafter, the DI) assigned to the Omaha Division stated that on February 26, 2021, he attempted to call Registrant at the phone number that Registrant provided to DEA, but received no answer and left a voice mail urging Registrant to return the call. Amended Request for Final Agency Action dated May 21, 2021 (hereinafter, RFAA), Exhibit (hereinafter, RFAAX) 2 at 1–2. The DI stated that on the same day, he travelled to the address that Registrant provided to DEA as his registered and ''mail to'' address, 4211 N 8th Cir., Lincoln, NE 68521–4805. *Id.* at 2. The DI stated that nobody answered the door and he left a business card with instructions for Registrant to contact him. *Id.* The DI stated that he then traveled to an address in Grand Island, NE, which was ''another address where [the DI] believed [Registrant] may be residing.'' *Id.* The DI stated that again, nobody answered the door and he left a business card with instructions for Registrant to contact him. *Id.* The DI went on to describe how on March 2, 2021, and March 7, 2021, he made a second and third visit to Registrant's registered and ''mail to'' address. *Id.* The DI stated that both times, nobody answered the door and he left additional business cards with instructions for Registrant to call him, but the DI never received a return call. *Id.*

The DI then described how on March 9, 2021, he again called Registrant at the phone number that Registrant had provided to DEA. *Id.* The DI stated that although someone answered the phone, ''as soon as [the DI] identified [himself] and stated that [the DI] was looking for [Registrant], the person [on the phone] stated that [the DI] had reached the wrong phone number, denied that he was the [Registrant], and then hung up.'' *Id.* The DI then stated that following the phone call, he sent Registrant an email at the email address Registrant had provided to DEA. *Id.* The DI stated that on March 11, 2021, he emailed a copy of the OSC to the same email address. *Id.* The DI concluded that Registrant did not respond to either email, did not return any of the DI's calls, and did not respond to any of the messages that the DI left at the two addresses described above. *Id.*

The Government forwarded its RFAA,[1] along with the evidentiary record, to this office on May 21, 2021. In its RFAA, the Government represents that ''more than thirty days have passed since the [OSC] was served on [Registrant] and no request for hearing has been received by DEA. RFAA, at 1. The Government requests that Registrant's ''DEA Certificate of Registration as a practitioner be revoked and his application for renewal denied, based on the [Registrant's] lack of state authority.'' *Id.* at 6.

Based on the DI's Declaration, the Government's written representations, and my review of the record, I find that the Government accomplished service of the OSC on Registrant on (or before) March 11, 2021. I also find that more than thirty days have now passed since the Government accomplished service of the OSC. Further, based on the Government's written representations, I find that neither Registrant, nor anyone purporting to represent the Registrant, requested a hearing, submitted a written statement while waiving Registrant's right to a hearing, or submitted a corrective action plan. Accordingly, I find that Registrant has waived the right to a hearing and the right to submit a written statement and corrective action plan. 21 CFR 1301.43(d) and 21 U.S.C. 824(c)(2)(C). I, therefore, issue this Decision and Order based on the record submitted by the Government, which constitutes the entire record before me. 21 CFR 1301.43(e).

Findings of Fact

Registrant's DEA Registration

Registrant is the holder of DEA Certificate of Registration No. FK4149882 at the registered address of 4211 N 8th Cir., Lincoln, NE 68521–4805. RFAAX 4. Pursuant to this registration, Registrant is authorized to dispense controlled substances in schedules II through V as a practitioner. *Id.* Registrant's registration expires on December 31, 2022, and is in ''active pending'' status. *Id.*

The Status of Registrant's State License

On July 1, 2020, the Nebraska Department of Health and Human Services suspended Registrant's Nebraska medical license. RFAAX 3. On October 1, 2020, Registrant's Nebraska medical license expired. *Id.*

According to Nebraska's online records, of which I take official notice, Registrant's license remains suspended.[2] Nebraska Department of Health and Human Services License Information System Search, *https://www.nebraska.gov/LISSearch/search.cgi* (last visited date of signature of this Order). Nebraska's online records show that Registrant's medical license remains suspended and that Registrant is not authorized in Nebraska to practice medicine. *Id.* Accordingly, I find that Registrant is not currently licensed to engage in the practice of medicine in Nebraska, the State in which Registrant is registered with the DEA.

Discussion

Pursuant to 21 U.S.C. 824(a)(3), the Attorney General is authorized to suspend or revoke a registration issued under section 823 of the Controlled Substances Act (hereinafter, CSA) ''upon a finding that the registrant . . . has had his State license or registration suspended . . . [or] revoked . . . by competent State authority and is no longer authorized by State law to engage in the . . . dispensing of controlled substances.'' With respect to a practitioner, the DEA has also long held that the possession of authority to dispense controlled substances under the laws of the state in which a practitioner engages in professional practice is a fundamental condition for obtaining and maintaining a practitioner's registration. *See, e.g., James L. Hooper, M.D.,* 76 FR 71,371 (2011), *pet. for rev. denied,* 481 F. App'x 826 (4th Cir. 2012); *Frederick Marsh*

[1] The Government provided a Certificate of Service that stated that the RFAA was served via Registrant's registered address by mail and also via his email address on May 21, 2021. RFAA, at 7.

[2] Under the Administrative Procedure Act, an agency ''may take official notice of facts at any stage in a proceeding—even in the final decision.'' United States Department of Justice, Attorney General's Manual on the Administrative Procedure Act 80 (1947) (Wm. W. Gaunt & Sons, Inc., Reprint 1979). Pursuant to 5 U.S.C. 556(e), ''[w]hen an agency decision rests on official notice of a material fact not appearing in the evidence in the record, a party is entitled, on timely request, to an opportunity to show the contrary.'' Accordingly, Registrant may dispute my finding by filing a properly supported motion for reconsideration of finding of fact within fifteen calendar days of the date of this Order. Any such motion and response shall be filed and served by email to the other party and to Office of the Administrator, Drug Enforcement Administration at *dea.addo.attorneys@dea.usdoj.gov.*

Blanton, M.D., 43 FR 27,616, 27,617 (1978).

This rule derives from the text of two provisions of the CSA. First, Congress defined the term ''practitioner'' to mean ''a physician . . . or other person licensed, registered, or otherwise permitted, by . . . the jurisdiction in which he practices . . . , to distribute, dispense, . . . [or] administer . . . a controlled substance in the course of professional practice.'' 21 U.S.C. 802(21). Second, in setting the requirements for obtaining a practitioner's registration, Congress directed that ''[t]he Attorney General shall register practitioners . . . if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices.'' 21 U.S.C. 823(f). Because Congress has clearly mandated that a practitioner possess state authority in order to be deemed a practitioner under the CSA, the DEA has held repeatedly that revocation of a practitioner's registration is the appropriate sanction whenever he is no longer authorized to dispense controlled substances under the laws of the state in which he practices. *See, e.g., James L. Hooper,* 76 FR at 71,371–72; *Sheran Arden Yeates, M.D.,* 71 FR 39,130, 39,131 (2006); *Dominick A. Ricci, M.D.,* 58 FR 51,104, 51,105 (1993); *Bobby Watts, M.D.,* 53 FR 11,919, 11,920 (1988); *Frederick Marsh Blanton,* 43 FR at 27,617.

Under Nebraska law, ''[d]ispense means to deliver a controlled substance to an ultimate user or a research subject pursuant to a medical order issued by a practitioner authorized to prescribe, including the packaging, labeling, or compounding necessary to prepare the controlled substance for such delivery.'' Neb. Rev. Stat. § 28–401(8) (Westlaw, Current through legislation effective May 6, 2021). Further, ''[p]ractitioner means a physician . . . or any other person licensed, registered, or otherwise permitted to distribute, dispense, prescribe, conduct research with respect to, or administer a controlled substance in the course of practice or research in this state . . . .'' *Id.* at § 28–401(21). Because Registrant is not currently licensed as a physician, or otherwise licensed, in Nebraska, he is not authorized to dispense controlled substances in Nebraska.

Here, the undisputed evidence in the record is that Registrant currently lacks authority to practice medicine in Nebraska. As already discussed, a physician must be a licensed practitioner to dispense a controlled substance in Nebraska. Thus, because Registrant lacks authority to practice medicine in Nebraska and, therefore, is not authorized to handle controlled substances in Nebraska, Registrant is not eligible to maintain a DEA registration. Accordingly, I will order that Registrant's DEA registration be revoked.

Order

Pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 824(a), I hereby revoke DEA Certificate of Registration No. FK4149882 issued to Tareq A. Khedir Al-Tiae, M.D. Further, pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 823(f), I hereby deny any pending application of Tareq A. Khedir Al-Tiae, M.D., to renew or modify this registration, as well as any other pending application of Tareq A. Khedir Al-Tiae M.D., for additional registration in Nebraska. This Order is effective July 19, 2021.

D. Christopher Evans,

Acting Administrator.

[FR Doc. 2021–12755 Filed 6–16–21; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–852]

Bulk Manufacturer of Controlled Substances Application: AMPAC Fine Chemicals Virginia, LLC

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: AMPAC Fine Chemicals Virginia, LLC. has applied to be registered as a bulk manufacturer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before August 16, 2021. Such persons may also file a written request for a hearing on the application on or before August 16, 2021.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.33(a), this is notice that on May 5, 2021, AMPAC Fine Chemicals Virginia, LLC., 2820 North Normandy Drive, Petersburg, Virginia 23805–2380, applied to be registered as a bulk manufacturer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Methylphenidate	1724	II
Levomethorphan	9210	II
Levorphanol	9220	II
Morphine	9300	II
Thebaine	9333	II
Noroxymorphone	9668	II
Tapentadol	9780	II

The company plans to bulk manufacture the listed controlled substances for the internal use intermediates or for sale to its customers. The company plans to manufacture the above-listed controlled substances in bulk for distribution to its customers. No other activities for these drug codes are authorized for this registration.

William T. McDermott,

Assistant Administrator.

[FR Doc. 2021–12812 Filed 6–16–21; 8:45 am]

BILLING CODE P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (21–035)]

Notice of Intent To Grant an Exclusive, Co-Exclusive or Partially Exclusive Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of intent to grant exclusive, co-exclusive or partially exclusive patent license.

SUMMARY: NASA hereby gives notice of its intent to grant an exclusive, co-exclusive or partially exclusive patent license to practice the inventions described and claimed in the patents and/or patent applications listed in **SUPPLEMENTARY INFORMATION** below.

DATES: The prospective exclusive, co-exclusive or partially exclusive license may be granted unless NASA receives written objections including evidence and argument, no later than July 2, 2021 that establish that the grant of the license would not be consistent with the requirements regarding the licensing of federally owned inventions as set forth in the Bayh-Dole Act and implementing regulations. Competing applications completed and received by NASA no later than July 2, 2021 will also be treated as objections to the grant of the contemplated exclusive, co-exclusive or

partially exclusive license. Objections submitted in response to this notice will not be made available to the public for inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act.

FOR FURTHER INFORMATION CONTACT: Written objections relating to the prospective license or requests for further information may be submitted to Agency Counsel for Intellectual Property, NASA Headquarters at Email: *hq-patentoffice@mail.nasa.gov.* Questions may be directed to Helen Galus at (202) 358–3437.

SUPPLEMENTARY INFORMATION: NASA intends to grant an exclusive, co-exclusive, or partially exclusive patent license in the United States to practice the inventions described and claimed in: US 8,735,116 B2, High-Density Spot Seeding for Tissue Model Formation and US 9,243,223 B2, High-Density Spot Seeding for Tissue Model Formation to BSK Health Partners, LLC. having its principal place of business in North Richland Hills, Texas. The fields of use may be limited. NASA has not yet made a final determination to grant the requested license and may deny the requested license even if no objections are submitted within the comment period.

This notice of intent to grant an exclusive, co-exclusive or partially exclusive patent license is issued in accordance with 35 U.S.C. 209(e) and 37 CFR 404.7(a)(1)(i). The patent rights in these inventions have been assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. The prospective license will comply with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Information about other NASA inventions available for licensing can be found online at *http://technology.nasa.gov.*

Helen M. Galus,

Agency Counsel for Intellectual Property.

[FR Doc. 2021–12756 Filed 6–16–21; 8:45 am]

BILLING CODE 7510–13–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on the Medical Uses of Isotopes: Meeting Notice

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of meeting.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) will convene a public teleconference meeting of the Advisory Committee on the Medical Uses of Isotopes (ACMUI) on July 15, 2021, to discuss the ACMUI Subcommittee on Extravasations and Medical Event Reporting draft report on the NRC staff's preliminary evaluation of whether extravasations merits a change in medical event reporting. The meeting agenda is subject to change. Meeting information, including a copy of the agenda and related documents, will be available on the ACMUI's Meetings and Related Documents web page at *https://www.nrc.gov/reading-rm/doc-collections/acmui/meetings/2021.html.* The agenda and related meeting documents may also be obtained by contacting Ms. Kellee Jamerson using the information below.

DATES: The teleconference meeting will be held on Thursday, July 15, 2021, 1:00 p.m. to 3:00 p.m. Eastern Daylight Time.

Date	Webinar information
July 15, 2021	Link: *https://usnrc.webex.com.* Event number: 199 085 4780.

Public Participation: The meeting will also be held as a webinar. Any member of the public who wishes to participate in any portion of this meeting should register in advance of the meeting by accessing the provided link and event number above. Upon successful registration, an email confirmation will be generated providing the telephone bridge line and a link to join the webinar on the day of the meeting. Members of the public should also monitor the NRC's Public Meeting Schedule at *https://www.nrc.gov/pmns/mtg* for any meeting updates. If there are any questions regarding the meeting, please contact Ms. Jamerson using the information below.

Contact Information: Kellee Jamerson, email: *Kellee.Jamerson@nrc.gov,* telephone: 301–415–7408.

Conduct of the Meeting

The ACMUI Chair, Darlene F. Metter, M.D., will preside over the meeting. Dr. Metter will conduct the meeting in a manner that will facilitate the orderly conduct of business. The following procedures apply to public participation in the meeting:

1. Persons who wish to provide a written statement should submit an electronic copy to Ms. Jamerson at the contact information listed above. All written statements must be received by July 12, 2021, three business days prior to the meeting, and must pertain to the topics on the agenda for the meeting.

2. Questions and comments from members of the public will be permitted during the meeting, at the discretion of the ACMUI Chairman.

3. The draft transcript and meeting summary will be available on ACMUI's website *https://www.nrc.gov/reading-rm/doc-collections/acmui/meetings/2021.html* on or about August 31, 2021.

4. Persons who require special services, such as those for the hearing impaired, should notify Ms. Jamerson of their planned participation.

This meeting will be held in accordance with the Atomic Energy Act of 1954, as amended (primarily Section 161a); the Federal Advisory Committee Act (5 U.S.C. App); and the Commission's regulations in 10 CFR part 7.

Dated at Rockville, Maryland this 14th day of June, 2021.

For the U.S. Nuclear Regulatory Commission.

Russell E. Chazell,

Federal Advisory Committee Management Officer.

[FR Doc. 2021–12767 Filed 6–16–21; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 40–8907; NRC–2019–0026]

United Nuclear Corporation Church Rock Project

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft environmental impact statement; reopening of comment period.

SUMMARY: On November 13, 2020, the U.S. Nuclear Regulatory Commission (NRC) issued for public comment a draft Environmental Impact Statement (EIS) for United Nuclear Corporation's (UNC) license amendment request. The public comment period closed on May 27, 2021. The NRC has decided to re-open the public comment period to allow more time for members of the public to develop and submit their comments. UNC is requesting authorization to amend its license (SUA–1475) to excavate approximately 1 million cubic yards (CY) of mine waste from the Northeast Church Rock Mine Site and dispose of it at the existing mill site in McKinley County, New Mexico. The NRC plans to hold a public meeting in the future to promote full understanding of the contemplated action and facilitate public comment.

DATES: The comment period for the document published on November 13,

2020 (85 FR 72706) has been reopened. Comments should be filed no later than October 31, 2021. Comments received after this date will be considered, if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal Rulemaking website:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov/* and search for Docket ID NRC–2019–0026. Address questions about Docket IDs 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.
- *Email comments to: UNC-ChurchRockEIS.resource@nrc.gov.*
- *Leave a voicemail at:* 888–672–3425.

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: Ashley Waldron, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–7317; email: *Ashley.Waldron@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2019–0026 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this action by the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2019–0026.
- *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.*
- *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.
- *Project Web Page:* Information related to the UNC Church Rock project can be accessed on the NRC's project web page at: *https://www.nrc.gov/info-finder/decommissioning/uranium/united-nuclear-corporation-unc-.html.*
- *Public Library:* A copy of the draft EIS can be accessed at the following public library: Octavia Fellin Public Library, Gallup, NM 87301.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal Rulemaking Website (*https://www.regulations.gov*). Please include Docket ID NRC–2019–0026 in your comment submission. Written comments may be submitted during the draft EIS comment period as described in the **ADDRESSES** section of the document.

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 posts all comment submissions at *https://www.regulations.gov* and enters all 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

On November 13, 2020, the NRC issued for public comment the draft EIS for the UNC license amendment to excavate approximately 1 million CY of mine waste from the Northeast Church Rock Mine Site and dispose of it at the existing mill site in McKinley County, New Mexico.

The draft EIS for UNC's license amendment application includes the NRC staff's preliminary analysis that evaluates the environmental impacts of the proposed action and alternatives to the proposed action. After comparing the impacts of the proposed action to reasonable alternatives and the no-action alternative, the NRC staff, in accordance with the requirements in part 51 of title 10 of the *Code of Federal Regulations,* ''Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions'' preliminarily recommends the proposed action, which would authorize UNC to transfer and dispose Northeast Church Rock mine waste on top of the UNC tailings impoundment. This recommendation is based on (i) the license application request, which includes UNCs Environmental Report and supplemental documents, as well as UNC's responses to the NRC staff's requests for additional information; (ii) consultation with Federal, State, Tribal, and local agencies and input from other stakeholders; and (iii) independent NRC staff review as documented in the assessments summarized in this EIS.

The public comment period was originally scheduled to close on December 28, 2020 (85 FR 72706). The NRC published a second notice on December 23, 2020 (85 FR 84016), that extended the closing date for the public comment period to February 26, 2021. On February 5, 2021, NRC published a third notice that extended the public comment until May 27, 2021 (86 FR 8386). The NRC received a request from the President of the Navajo Nation (ADAMS Accession No. ML21152A051) to extend the comment period through October 31, 2021. After considering this request, the NRC has decided to re-open the comment period to allow more time for members of the public to develop and submit their comments on the draft EIS. Comments should be submitted by October 31, 2021, to ensure consideration. Comments of Federal, State, and local agencies, Indian Tribes or other interested persons will be made available for public inspection when received.

The NRC is planning to hold at least one additional meeting during the extended comment period. Stakeholders should monitor the NRC's public meeting website for information about future public meetings at: *https://www.nrc.gov/public-involve/public-meetings.html.*

Dated: June 14, 2021.

For the Nuclear Regulatory Commission.

Jessie M. Quintero,

Chief, Environmental Review Materials Branch, Division of Rulemaking, Environmental, and Financial Support, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2021–12881 Filed 6–16–21; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2021–0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of June 21, 28, July 5, 12, 19, 26, 2021.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public.

MATTERS TO BE CONSIDERED:

Week of June 21, 2021

Tuesday, June 22, 2021

8:55 a.m. Affirmation Session (Public Meeting) (Tentative)

a. FirstEnergy Companies and TMI–2 Solutions, LLC (Three Mile Island Nuclear Station, Units 1 and 2), Motion to Hold the Proceeding in Abeyance (Tentative)

b. Interim Storage Partners, LLC (WCS Consolidated Interim Storage Facility), Fasken Petition for Review of LBP–21–2 (Denying Motions to Reopen and Admit a New Contention) (Tentative); (Contact: Wesley Held: 301–287–3591)

Additional Information: Due to COVID–19, there will be no physical public attendance. The public is invited to attend the Commission's meeting live by webcast at the Web address—*https://video.nrc.gov/*.

9:00 a.m. Briefing on Transformation at the NRC—Midyear Review (Public Meeting); (Contact: Maria Arribas-Colon: 301–415–6026)

Additional Information: Due to COVID–19, there will be no physical public attendance. The public is invited to attend the Commission's meeting live by webcast at the web address—*https://video.nrc.gov/*.

Week of June 28, 2021—Tentative

There are no meetings scheduled for the week of June 28, 2021.

Week of July 5, 2021—Tentative

There are no meetings scheduled for the week of July 5, 2021.

Week of July 12, 2021—Tentative

There are no meetings scheduled for the week of July 12, 2021.

Week of July 19, 2021—Tentative

There are no meetings scheduled for the week of July 19, 2021.

Week of July 26, 2021—Tentative

There are no meetings scheduled for the week of July 26, 2021.

CONTACT PERSON FOR MORE INFORMATION: For more information or to verify the status of meetings, contact Wesley Held at 301–287–3591 or via email at *Wesley.Held@nrc.gov*. The schedule for Commission meetings is subject to change on short notice.

The NRC Commission Meeting Schedule can be found on the internet at: *https://www.nrc.gov/public-involve/public-meetings/schedule.html*.

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,* braille, large print), please notify Anne Silk, NRC Disability Program Specialist, at 301–287–0745, by videophone at 240–428–3217, or by email at *Anne.Silk@nrc.gov*. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555, at 301–415–1969, or by email at *Wendy.Moore@nrc.gov* or *Tyesha.Bush@nrc.gov*.

The NRC is holding the meetings under the authority of the Government in the Sunshine Act, 5 U.S.C. 552b.

Dated: June 15, 2021.

For the Nuclear Regulatory Commission.

Wesley W. Held,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2021–12990 Filed 6–15–21; 4:15 pm]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 34298; File No. 812–15216]

Schwab Strategic Trust, et al.

June 11, 2021.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice.

Notice of an application for an order under section 6(c) of the Investment Company Act of 1940 (''Act'') for an exemption from sections 2(a)(32), 5(a)(1), 22(d) and 22(e) of the Act and rule 22c–1 under the Act, and under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and 17(a)(2) of the Act.

Applicants: Schwab Strategic Trust (the ''Trust''), Charles Schwab Investment Management, Inc. (the ''Initial Adviser'') and SEI Investments Distribution Co. (the ''Distributor'').

Summary of Application: Applicants request an order (''Order'') that permits: (a) The Funds (defined below) to issue shares (''Shares'') redeemable in large aggregations only (''creation units''); (b) secondary market transactions in Shares to occur at negotiated market prices rather than at net asset value; (c) certain Funds to pay redemption proceeds, under certain circumstances, more than seven days after the tender of Shares for redemption; and (d) certain affiliated persons of a Fund to deposit securities into, and receive securities from, the Fund in connection with the purchase and redemption of creation units. The relief in the Order would incorporate by reference terms and conditions of the same relief of a previous order granting the same relief sought by applicants, as that order may be amended from time to time (''Reference Order'').[1]

Filing Date: The application was filed on April 5, 2021 and amended on May 20, 2021.

Hearing or Notification of Hearing: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by emailing the Commission's Secretary at *Secretarys-Office@sec.gov* and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on July 6, 2021, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature

[1] Natixis ETF Trust II, *et al.,* Investment Company Act Rel. Nos. 33684 (November 14, 2019) (notice) and 33711 (December 10, 2019) (order). Applicants are not seeking relief under section 12(d)(1)(J) of the Act for an exemption from sections 12(d)(1)(A) and 12(d)(1)(B) of the Act (the ''Section 12(d)(1) Relief''), and relief under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and 17(a)(2) of the Act relating to the Section 12(d)(1) Relief, as granted in the Reference Order. Accordingly, to the extent the terms and conditions of the Reference Order relate to such relief, they are not incorporated by reference into the Order.

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.*

ADDRESSES: The Commission: *Secretarys-Office@sec.gov.* Applicants: David J. Lekich, Esq., Charles Schwab Investment Management, Inc., 211 Main Street, San Francisco, CA 94105; Adam T. Teufel, Esq., Dechert LLP, 1900 K Street NW, Washington, DC 20006–1110; John Munch, SEI Investments Distribution Co., 1 Freedom Valley Drive, Oaks, PA 19456.

FOR FURTHER INFORMATION CONTACT: Deepak T. Pai, Senior Counsel, at (202) 551–6876 or Trace W. Rakestraw, Branch Chief, at (202) 551–6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's website by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Applicants

1. The Trust is a business trust organized under the laws of the State of Delaware and will consist of one or more series operating as a Fund. The Trust is registered as an open-end management investment company under the Act. Applicants seek relief with respect to Funds (as defined below), including an initial Fund (the ''Initial Fund''). The Funds will offer exchange-traded shares utilizing active management investment strategies as contemplated by the Reference Order.[2]

2. The Initial Adviser, a Delaware corporation, will be the investment adviser to the Initial Fund. Subject to approval by the Funds' board of trustees, an Adviser (as defined below) will serve as investment adviser to each Fund. The Initial Adviser is, and any other Adviser will be, registered as an investment adviser under the Investment Advisers Act of 1940 (''Advisers Act''). The Adviser may enter into sub-advisory agreements with other investment advisers to act as sub-advisers with respect to the Funds (each a ''Sub-Adviser''). Any Sub-Adviser to a Fund will be registered under the Advisers Act.

3. The Distributor, a Pennsylvania corporation, is a broker-dealer registered under the Securities Exchange Act of 1934, as amended, and will act as the distributor and principal underwriter of Shares of the Funds. Applicants request that the requested relief apply to any distributor of Shares, whether affiliated or unaffiliated with the Adviser and/or Sub-Adviser (included in the term ''Distributor''). Any Distributor will comply with the terms and conditions of the Order.

Applicants' Requested Exemptive Relief

4. Applicants seek the requested Order under section 6(c) of the Act for an exemption from sections 2(a)(32), 5(a)(1), 22(d) and 22(e) of the Act and rule 22c–1 under the Act, and under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and 17(a)(2) of the Act. The requested Order would permit applicants to offer Funds that utilize the NYSE Proxy Portfolio Methodology. Because the relief requested is the same as certain of the relief granted by the Commission under the Reference Order and because the Initial Adviser has entered into a licensing agreement with NYSE Group, Inc. in order to offer Funds that utilize the NYSE Proxy Portfolio Methodology,[3] the Order would incorporate by reference the terms and conditions of the same relief of the Reference Order.

5. Applicants request that the Order apply to the Initial Fund and to any other existing or future registered open-end management investment company or series thereof that: (a) Is advised by the Initial Adviser or any entity controlling, controlled by, or under common control with the Initial Adviser (any such entity, along with the Initial Adviser, included in the term ''Adviser''); (b) offers exchange-traded shares utilizing active management investment strategies as contemplated by the Reference Order; and (c) complies with the terms and conditions of the Order and the terms and conditions of the Reference Order that are incorporated by reference into the Order (each such company or series and the Initial Fund, a ''Fund'').[4]

6. Section 6(c) of the Act provides that the Commission may exempt any person, security or transaction, or any class of persons, securities or transactions, from any provisions of the Act, if and to the extent that 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. Section 17(b) of the Act authorizes the Commission to exempt a proposed transaction from section 17(a) of the Act if evidence establishes that the terms of the transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and the transaction is consistent with the policies of the registered investment company and the general purposes of the Act. Applicants submit that for the reasons stated in the Reference Order the requested relief meets the exemptive standards under sections 6(c) and 17(b) of the Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2021–12746 Filed 6–16–21; 8:45 am]

BILLING CODE 8011–01–P

[2] To facilitate arbitrage, among other things, each day a Fund will publish a basket of securities and cash that, while different from the Fund's portfolio, is designed to closely track its daily performance.

[3] The NYSE Proxy Portfolio Methodology (as defined in the Reference Order) is the intellectual property of the NYSE Group, Inc.

[4] All entities that currently intend to rely on the Order are named as applicants. Any other entity that relies on the Order in the future will comply with the terms and conditions of the Order and the terms and conditions of the Reference Order that are incorporated by reference into the Order.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–92153; File No. SR–NYSEAMER–2021–29]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of Proposed Change Amending the NYSE American Equities Price List and Fee Schedule To Establish Pricing for Orders Designated as Retail Orders

June 11, 2021.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on June 1, 2021, NYSE American LLC (''NYSE American'' or ''Exchange'') filed with the Securities and Exchange Commission (''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

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

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 the NYSE American Equities Price List and Fee Schedule (''Price List'') to establish pricing for orders designated as ''Retail Orders.'' The Exchange proposes to implement the fee changes effective June 1, 2021. The proposed 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.

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

1. Purpose

The Exchange proposes to amend the Price List to establish pricing for orders designated as ''Retail Orders,'' as defined below.

The proposed changes respond to the current competitive environment where order flow providers have a choice of where to direct Retail Orders by offering further incentives for ETP Holders [4] to send such orders to the Exchange.

The Exchange proposes to implement the fee changes effective June 1, 2021.

Competitive Environment

The Exchange operates in a highly competitive market. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. 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.'' [5]

While Regulation NMS has enhanced competition, it has also fostered a ''fragmented'' market structure where trading in a single stock can occur across multiple trading centers. When multiple trading centers compete for order flow in the same stock, the Commission has recognized that ''such competition can lead to the fragmentation of order flow in that stock.'' [6] Indeed, cash equity trading is currently dispersed across 16 exchanges,[7] numerous alternative trading systems,[8] and broker-dealer internalizers and wholesalers, all competing for order flow. Based on publicly-available information, no single exchange currently has more than 17% market share.[9] Therefore, no exchange possesses significant pricing power in the execution of cash equity order flow. More specifically, the Exchange currently has less than 1% market share of executed volume of cash equities trading.[10]

The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can move order flow, or discontinue or reduce use of certain categories of products. While it is not possible to know a firm's reason for shifting order flow, the Exchange believes that one such reason is because of fee changes at any of the registered exchanges or non-exchange venues to which the firm routes order flow. The competition for Retail Orders is even more stark, particularly as it relates to exchange versus off-exchange venues.

The Exchange thus needs to compete in the first instance with non-exchange venues for Retail Order flow, and with the 15 other exchange venues for the portion of Retail Order flow that is not directed off-exchange. Accordingly, competitive forces compel the Exchange to use exchange transaction fees and credits, particularly as they relate to competing for Retail Order flow, because market participants can readily trade on competing venues if they deem pricing levels at those other venues to be more favorable.

Proposed Rule Change

In response to this competitive environment, the Exchange proposes to amend its Price List to establish pricing for orders designated as ''Retail Orders.''

Proposed Definition of Retail Orders

To define Retail Orders, the Exchange proposes to amend the ''General'' section of the Fee Schedule and add a new subheading ''III. Retail Orders'' to establish requirements for Retail Orders on the Exchange that are based on the requirements to enter orders with ''retail'' modifiers for purposes of rates available for such orders on the Exchange's affiliates, New York Stock Exchange, LLC (''NYSE'') and NYSE Arca, Inc. (''NYSE Arca'').[11]

Proposed paragraph (a) would define ''Retail Order'' as an agency order or a riskless principal order that meets the criteria of FINRA Rule 5320.03 that originates from a natural person and is submitted to the Exchange by an ETP Holder, provided that no change is made to the terms of the order with respect to price or side of market and the order does not originate from a trading algorithm or any other computerized methodology.

Proposed paragraph (b) would specify that in order for an ETP Holder to access the proposed Retail Order pricing, the ETP Holder would be required to designate an order as a Retail Order in the form and/or manner prescribed by the Exchange.

Proposed paragraph (c) would specify that in order to submit a Retail Order, an ETP Holder must submit an attestation, in a form prescribed by the Exchange, that substantially all orders designated as ''Retail Orders'' will meet the requirements set out in the definition above.

Proposed paragraph (d) would specify that an ETP Holder must have written policies and procedures reasonably

[4] *See* Rules 1.1E(m) (definition of ETP) & (n) (definition of ETP Holder).

[5] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (File No. S7–10–04) (Final Rule) (''Regulation NMS'').

[6] *See* Securities Exchange Act Release No. 61358, 75 FR 3594, 3597 (January 21, 2010) (File No. S7–02–10) (Concept Release on Equity Market Structure).

[7] See Cboe U.S Equities Market Volume Summary, available at *https://markets.cboe.com/us/equities/market_share.* See generally *https://www.sec.gov/fast-answers/divisionsmarketregmrexchangesshtml.html.*

[8] *See* FINRA ATS Transparency Data, *available at https://otctransparency.finra.org/otctransparency/AtsIssueData.* A list of alternative trading systems registered with the Commission is *available at https://www.sec.gov/foia/docs/atslist.htm.*

[9] See Cboe Global Markets U.S. Equities Market Volume Summary, available at *http://markets.cboe.com/us/equities/market_share/.*

[10] See id.

[11] *See* NYSE Rule 13 regarding Retail Modifiers and the NYSE Arca procedures for designating orders with a retail modifier for purposes of fee rates. *See* Securities Exchange Act Release No. 67540 (July 30, 2012), 77 FR 46539 (August 3, 2012) (SR–NYSEArca–2012–77). These requirements are distinct from, but related to, the requirements for a ''Retail Order'' on the Retail Liquidity Programs available on NYSE and NYSE Arca. *See* NYSE Rule 7.44 and NYSE Arca Rule 7.44–E. The Exchange does not offer a ''Retail Liquidity Program.''

designed to assure that it will only designate orders as ''Retail Orders'' if all requirements of a Retail Order are met. Such written policies and procedures must require the ETP Holder to (i) exercise due diligence before entering a Retail Order to assure that entry as a Retail Order is in compliance with the requirements specified by the Exchange, and (ii) monitor whether orders entered as Retail Orders meet the applicable requirements. If an ETP Holder represents Retail Orders from another broker-dealer customer, the ETP Holder's supervisory procedures must be reasonably designed to assure that the orders it receives from such broker-dealer customer that it designates as Retail Orders meet the definition of a Retail Order. The ETP Holder must (i) obtain an annual written representation, in a form acceptable to the Exchange, from each broker-dealer customer that sends it orders to be designated as Retail Orders that entry of such orders as Retail Orders will be in compliance with the requirements specified by the Exchange, and (ii) monitor whether its broker-dealer customer's Retail Order flow continues to meet the applicable requirements.

Proposed paragraph (e) would specify that an ETP Holder that fails to abide by the requirements specified in paragraphs (a)–(d) would not be eligible for the Retail Order rates for orders it designates as ''Retail Orders.''

Proposed Rates for Retail Orders

The Exchange proposes that the rates for Retail Orders would be available only for transactions in securities priced at or above $1.00. To effect this change, the Exchange proposes to amend the Price List for transactions in securities priced at or above $1.00, other than transactions by Electronic Designated Market Makers in assigned securities, to specify that the current fees are ''Standard Rates'' and to add new ''Retail Order Rates.'' Specifically, the Exchange proposes to delete the column labeled ''Category'' from the existing table and to insert subheadings ''1. Securities at or above $1'' and ''a. Standard Rates'' above the existing table. The Exchange does not propose to make any changes to the rates in the table.

Below the first row of the existing table, the Exchange proposes to add subheading ''b. Retail Order Rates *,'' below which the Exchange proposes to specify the rates that orders designated by an ETP Holder as ''Retail Orders'' would be eligible for. As proposed, orders designated by an ETP Holder as ''Retail Orders'' may qualify for the following fees and credits:

- A credit of $0.0030 per displayed share for orders designated as Retail Orders that add liquidity. This credit is higher than the Exchange's standard credit that ranges between $0.0024 per share to $0.0027 per share for displayed and MPL orders adding liquidity, depending on Adding ADV.[12]
- A fee of $0.0010 per share for MPL orders designated as Retail Orders that remove liquidity. This fee is lower than the Exchange's standard fee of either $0.0026 per share or $0.0030 per share for orders that remove liquidity, depending on Adding ADV.
- A fee of $0.0005 per share for orders designated as Retail Orders executed in an opening auction, unless a more favorable rate applies. This fee is equivalent to the Exchange's standard fee for orders executed in an opening auction.

Below the proposed new Retail Order Rates subsection, the Exchange proposes to insert a new heading ''2. Securities Below $1,'' followed by the second row of the existing table. The Exchange proposes to delete the ''Category'' column of the table and to add the ''Adding Liquidity,'' ''Removing Liquidity,'' and ''Executions at Open and Close'' column headings that appear in the existing table. The Exchange does not propose to make any changes to the rates for transactions in securities below $1.

As noted above, the proposed new subheading ''b. Retail Order Rates *'' would include an asterisk. The Exchange proposes to add the following text regarding the asterisk: ''* See section III under 'General' at the end of this Price List for information on designating orders as 'Retail Orders.' ''

The proposed pricing available for Retail Orders would be optional for ETP Holders. Accordingly, an ETP Holder that does not opt to identify qualified orders as Retail Orders would choose not to (i) make an attestation to the Exchange, or (ii) maintain the policies and procedures described above.

This proposed change is intended to encourage greater participation from ETP Holders and to promote additional liquidity in Retail Orders. As described above, ETP Holders have a choice of where to send such orders. The Exchange believes that the proposed lower fees could lead to more ETP Holders choosing to route their Retail Orders to the Exchange for execution rather than to a competing exchange.

The Exchange does not know how much Retail Order flow ETP Holders choose to route to other exchanges or to off-exchange venues. Without having a view of ETP Holders' activity on other markets and off-exchange venues, the Exchange has no way of knowing whether this proposed rule change would result in any ETP Holders sending more of their Retail Orders to the Exchange. The Exchange cannot predict with certainty how many ETP Holders would avail themselves of this opportunity, but additional Retail Orders would benefit all market participants because it would provide greater execution opportunities on the Exchange.

The proposed rule change is designed to be available to all ETP Holders on the Exchange and is intended to provide ETP Holders a greater incentive to direct more of their Retail Orders to the Exchange.

The proposed changes are not otherwise intended to address any other issues, and the Exchange is not aware of any significant problems that market participants would have in complying with the proposed changes.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[13] in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,[14] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities, is designed to prevent fraudulent and manipulative acts and practices and to promote just and equitable principles of trade, and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Proposed Fee Change Is Reasonable

As discussed above, the Exchange operates in a highly fragmented and competitive market. The 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.'' [15]

[12] As defined in the Fee Schedule, Adding ADV means an ETP Holder's average daily volume of shares executed on the Exchange that provided liquidity.

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(4) and (5).

[15] See Regulation NMS, supra note 5, 70 FR at 37499.

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. With respect to Retail Orders, ETP Holders can choose from any one of the 16 currently operating registered exchanges, and numerous off-exchange venues, to route such order flow. Accordingly, competitive forces constrain exchange transaction fees that relate to Retail Orders on an exchange. Stated otherwise, changes to exchange transaction fees can have a direct effect on the ability of an exchange to compete for order flow.

Given this competitive environment, the Exchange believes that this proposal to establish pricing for orders designated as Retail Orders represents a reasonable attempt to attract additional Retail Orders to the Exchange. The Exchange believes the proposed change is also reasonable because it is designed to attract higher volumes of Retail Orders transacted on the Exchange by ETP Holders, which would benefit all market participants by offering greater price discovery and an increased opportunity to trade on the Exchange.

The Exchange believes that proposed General sub-section III is reasonable because it would define ''Retail Order'' based on existing requirements for orders designated as ''retail'' on NYSE and NYSE Arca, and therefore is not novel. The Exchange further believes that the designation, attestation, and written policies and procedures required by proposed sub-section III are reasonable because they are also based on existing procedures for similarly-defined orders on NYSE and NYSE Arca, and therefore are not novel.

In light of the competitive environment in which the Exchange currently operates, the proposed rule change is a reasonable attempt to increase liquidity on the Exchange and improve the Exchange's market share relative to its competitors.

The Proposed Fee Change Is an Equitable Allocation of Fees and Credits

The Exchange believes its proposal to establish pricing for orders designated as Retail Orders equitably allocates its fees among its market participants because all ETP Holders that participate on the Exchange may qualify for the proposed credits and fees if they elect to send their Retail Orders to the Exchange and properly designate them as Retail Orders. Without having a view of ETP Holders' activity on other markets and off-exchange venues, the Exchange has no way of knowing whether this proposed rule change would result in any ETP Holder sending more of their Retail Orders to the Exchange. The Exchange cannot predict with certainty how many ETP Holders would avail themselves of this opportunity, but additional Retail Orders would benefit all market participants because it would provide greater execution opportunities on the Exchange. The Exchange anticipates that multiple ETP Holders that engage in retail trading activity would endeavor to send more of their Retail Orders for execution on the Exchange, thereby earning the proposed higher credits and paying the proposed lower fees.

The Exchange further believes that the proposed change is equitable because it is reasonably related to the value to the Exchange's market quality associated with higher volume in Retail Orders. The Exchange believes that establishing pricing for orders designated as Retail Orders would attract order flow and liquidity to the Exchange, thereby contributing to price discovery on the Exchange and benefiting investors generally.

The Exchange believes that the proposed rule change is equitable because maintaining or increasing the proportion of Retail Orders in exchange-listed securities that are executed on a registered national securities exchange (rather than relying on certain available off-exchange execution methods) would contribute to investors' confidence in the fairness of their transactions and would benefit all investors by deepening the Exchange's liquidity pool, supporting the quality of price discovery, promoting market transparency, and improving investor protection.

The Proposed Fee Change Is Not Unfairly Discriminatory

The Exchange believes that the proposal is not unfairly discriminatory. In the prevailing competitive environment, ETP Holders are free to disfavor the Exchange's pricing if they believe that alternatives offer them better value.

The Exchange believes that the proposed change is not unfairly discriminatory because it would apply to all ETP Holders on an equal and non-discriminatory basis. The Exchange believes that the proposed rule change is not unfairly discriminatory because maintaining or increasing the proportion of Retail Orders in exchange-listed securities that are executed on a registered national securities exchange (rather than relying on certain available off-exchange execution methods) would contribute to investors' confidence in the fairness of their transactions and would benefit all investors by deepening the Exchange's liquidity pool, supporting the quality of price discovery, promoting market transparency, and improving investor protection. This aspect of the proposed rule change also is consistent with the Act because all similarly-situated ETP Holders would earn the same credits and pay the same fees for Retail Orders executed on the Exchange.

Finally, the submission of Retail Orders is optional for ETP Holders in that they could choose whether to submit Retail Orders to the Exchange and, if they do, they can choose the extent of their activity in this regard. The Exchange believes that it is subject to significant competitive forces, as described below in the Exchange's statement regarding the burden on competition.

For the foregoing reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[16] 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. Instead, as discussed above, the Exchange believes that the proposed fee 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 ETP Holders. As a result, the Exchange believes that the proposed change furthers the Commission's goal in adopting Regulation NMS of fostering integrated competition among orders, which promotes ''more efficient pricing of individual stocks for all types of orders, large and small.'' [17]

Intramarket Competition. The Exchange believes the proposed change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed change is designed to attract additional Retail Orders to the Exchange. The Exchange believes that the proposed higher credits and lower fees would incentivize market participants to direct their Retail Orders to the Exchange. Greater overall order flow, trading

[16] 15 U.S.C. 78f(b)(8).

[17] See Regulation NMS, supra note 4, 70 FR at 37498–99.

opportunities, and pricing transparency benefit all market participants on the Exchange by enhancing market quality and continuing to encourage ETP Holders to send orders, thereby contributing towards a robust and well-balanced market ecosystem.

Intermarket Competition. The Exchange operates in a highly competitive market in which market 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. As noted above, the Exchange currently has less than 1% market share of executed volume of equities trading. In such an environment, the Exchange must continually adjust its fees and credits to remain competitive with other exchanges and with off-exchange venues. Because competitors are free to modify their own fees and credits in response, and because market participants may readily adjust their order routing practices, the Exchange does not believe its proposed fee change can impose any burden on intermarket competition.

The Exchange believes that the proposed change could promote competition between the Exchange and other execution venues, including those that currently offer similar order types and comparable transaction pricing, by encouraging additional orders to be sent to the Exchange for execution.

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 foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A) [18] of the Act and subparagraph (f)(2) of Rule 19b–4 [19] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

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 Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [20] 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–2021–29 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–2021–29. 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–2021–29 and should be submitted on or before July 8, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2021–12750 Filed 6–16–21; 8:45 am]

BILLING CODE 8011–01–P

[18] 15 U.S.C. 78s(b)(3)(A).

[19] 17 CFR 240.19b–4(f)(2).

[20] 15 U.S.C. 78s(b)(2)(B).

[21] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–92160; File No. SR–NYSE–2021–35]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Its Price List

June 11, 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 May 27, 2021, New York Stock Exchange LLC (''NYSE'' 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 its Price List to (1) introduce three adding credit tiers (Tiers 3, 5 and 6 Adding Credits) and re-number current Tier 3, and (2) relocate and modify certain fees, and introduce new fees, for transactions that remove liquidity from the Exchange in Tape A, B and C securities. The Exchange proposes to implement the fee changes effective June 1, 2021. 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 Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Price List to (1) introduce three adding credit tiers (Tiers 3, 5 and 6 Adding Credits) and re-number current Tier 3, and (2) relocate and modify certain fees, and introduce new fees, for transactions that remove liquidity from the Exchange in Tape A, B and C securities.

The proposed changes respond to the current competitive environment where order flow providers have a choice of where to direct liquidity-providing orders by offering further incentives for member organizations to send additional liquidity to the Exchange.

The Exchange proposes to implement the fee changes effective June 1, 2021.

Background

Current Market and Competitive Environment

The Exchange operates in a highly competitive market. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. 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.'' [4]

While Regulation NMS has enhanced competition, it has also fostered a ''fragmented'' market structure where trading in a single stock can occur across multiple trading centers. When multiple trading centers compete for order flow in the same stock, the Commission has recognized that ''such competition can lead to the fragmentation of order flow in that stock.'' [5] Indeed, equity trading is currently dispersed across 16 exchanges,[6] 31 alternative trading systems,[7] and numerous broker-dealer internalizers and wholesalers, all competing for order flow. Based on publicly available information, no single exchange has more than 20% market share.[8] Therefore, no exchange possesses significant pricing power in the execution of equity order flow. More specifically, the Exchange's market share of trading in Tape A, B and C securities combined is less than 12%.

The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can move order flow, or discontinue or reduce use of certain categories of products, in response to fee changes. With respect to non-marketable order flow that would provide displayed liquidity on an Exchange, member organizations can choose from any one of the numerous currently operating registered exchanges to route such order flow. Accordingly, competitive forces constrain exchange transaction fees that relate to orders that would provide liquidity on an exchange.

In response to this competitive environment, the Exchange has established incentives for its member organizations who submit orders that provide liquidity on the Exchange. The proposed fee change is designed to attract additional order flow to the Exchange by incentivizing member organizations to submit additional displayed liquidity to the Exchange.

Proposed Rule Change

Adding Tiers

The Exchange currently offers three adding tiers (Tier 1 Adding Credit, Tier 2 Adding Credit, and Tier 3 Adding Credit) that provide credits of $0.0022, $0.0020, and $0.0018 per share, respectively, for all orders, other than MPL and Non-Display Reserve orders, that add liquidity to the NYSE when certain requirements are met. The Exchange proposes to introduce three similar adding credit tiers numbered 3, 5 and 6 and re-number current Tier 3 as Tier 4, as follows.

Tier 3 Adding Credit

The Exchange proposes a new Tier 3 Adding Credit for orders, other than MPL and Non-Display Reserve orders, that add liquidity to the Exchange. As proposed, the Exchange would provide a $0.0019 credit in Tape A securities if a member organization has an average daily volume (''ADV'') that adds liquidity to the Exchange during the billing month (''Adding ADV''),[9] excluding Supplemental Liquidity Provider (''SLP'') and Designated Market Maker (''DMM'') Adding ADV, that is at least 0.35% of NYSE CADV. In addition, member organizations that meet the above requirements and add liquidity, excluding liquidity added as an SLP, in Tape B and C Securities of at least 0.20% of Tape B and Tape C CADV combined, would receive an additional $0.0001 per share.

The purpose of this proposed change is to incentivize member organizations to increase the liquidity-providing orders in the Tape A securities they send to the Exchange, which would support the quality of price discovery on the Exchange and provide additional liquidity for incoming orders. As noted above, the Exchange operates in a competitive environment, particularly as it relates to attracting non-marketable orders, which add liquidity to the Exchange. Because the proposed tier requires a member organization to achieve a minimum volume of its trades in orders that add liquidity, the Exchange believes that the proposed credits would provide an incentive for all member organizations to send additional liquidity to the Exchange in order to qualify for them. The Exchange does not know how much order flow member organizations choose to route to other exchanges or to off-exchange venues. Since the proposed tier is new, the Exchange does not know how many member organizations could qualify for the new tiered rate based on their current trading profile on the Exchange and if they choose to direct order flow to the NYSE. However, without having a view of member organization's activity on other exchanges and off-exchange venues, the Exchange has no way of knowing whether this proposed rule

[4] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37495, 37499 (June 29, 2005) (S7–10–04) (Final Rule) (''Regulation NMS'').

[5] *See* Securities Exchange Act Release No. 61358, 75 FR 3594, 3597 (January 21, 2010) (File No. S7–02–10) (Concept Release on Equity Market Structure).

[6] *See* Cboe Global Markets, U.S. Equities Market Volume Summary, available at *http://markets.cboe.com/us/equities/market_share/. See generally https://www.sec.gov/fast-answers/divisionsmarketregmrexchangesshtml.html.*

[7] *See* FINRA ATS Transparency Data, available at *https://otctransparency.finra.org/otctransparency/AtsIssueData.* A list of alternative trading systems registered with the Commission is available at *https://www.sec.gov/foia/docs/atslist.htm.*

[8] *See* Cboe Global Markets U.S. Equities Market Volume Summary, available at *http://markets.cboe.com/us/equities/market_share/.*

[9] The terms ''ADV'' and ''CADV'' are defined in footnote * of the Price List.

change would result in any member organization directing orders to the Exchange in order to qualify for the new tier.

In connection with this proposed change, current Tier 3 Adding Credit would become Tier 4 Adding Credit. The next proposed tier would follow current Tier 3 Adding Credit as renumbered in the Price List.

Tier 5 Adding Credit

The Exchange proposes a new Tier 5 Adding Credit for orders, other than MPL and Non-Display Reserve orders, that add liquidity to the Exchange. As proposed, the Exchange would provide a $0.0017 credit in Tape A securities if a member organization's Adding ADV, excluding liquidity added as an SLP and as a DMM, is at least 0.29% of NYSE CADV. Further, member organizations that meet the above requirements and add liquidity, excluding liquidity added as an SLP, in Tape B and C Securities of at least 0.20% of Tape B and Tape C CADV combined, would receive an additional $0.0001 per share.

The purpose of this proposed change is to incentivize member organizations to increase the liquidity-providing orders in the Tape A securities they send to the Exchange, which would support the quality of price discovery on the Exchange and provide additional liquidity for incoming orders. As noted above, the Exchange operates in a competitive environment, particularly as it relates to attracting non-marketable orders, which add liquidity to the Exchange. Because the proposed tier requires a member organization to achieve a minimum volume of its trades in orders that add liquidity, the Exchange believes that the proposed credits would provide an incentive for all member organizations to send additional liquidity to the Exchange in order to qualify for them. The Exchange does not know how much order flow member organizations choose to route to other exchanges or to off-exchange venues. Since the proposed tier is new, the Exchange does not know how many member organizations could qualify for the new tiered rate based on their current trading profile on the Exchange and if they choose to direct order flow to the NYSE. However, without having a view of member organization's activity on other exchanges and off-exchange venues, the Exchange has no way of knowing whether this proposed rule change would result in any member organization directing orders to the Exchange in order to qualify for the new tier.

Tier 6 Adding Credit

The Exchange proposes a new Tier 6 Adding Credit for orders, other than MPL and Non-Display Reserve orders, that add liquidity to the Exchange. As proposed, the Exchange would provide a $0.0015 credit in Tape A securities if a member organization's Adding ADV, excluding liquidity added as an SLP and as a DMM, is at least either:

- 0.22% of NYSE CADV, or
- 0.15% of NYSE CADV that is at least 0.05% of NYSE CADV above the member organization's first quarter 2021 adding liquidity as a percentage of NYSE CADV.

In addition, member organizations that meet the above requirements and add liquidity, excluding liquidity added as an SLP, in Tape B and C Securities of at least 0.20% of Tape B and Tape C CADV combined, would receive an additional $0.0001 per share.

The following example illustrates how all of the proposed adding tiers would operate.

Assume Member Organization A has an Adding ADV as a percentage of Tape A CADV of 0.45% in the billing month of which 0.10% was DMM Adding ADV and 0.05% was SLP Adding ADV:

- Member Organization A would qualify for adding credit of $0.0017 for displayed adding liquidity, based on the Adding ADV of 0.30%, exceeding the 0.29% requirement.

If Member Organization A instead had Adding ADV as a percentage of Tape A CADV of 0.55% in the billing month, of which 0.10% was DMM Adding ADV and 0.05% was SLP Adding ADV:

- Member Organization A would qualify for adding credit of $0.0019 for displayed adding liquidity, based on the Adding ADV of 0.40%, exceeding the 0.35% requirement.

Also assume that Member Organization A had an Adding ADV, excluding SLP and DMM Adding ADV, of 0.05% in the baseline quarter of the first quarter 2021. If in another billing month, Member Organization A had an Adding ADV, excluding SLP and DMM Adding ADV, of 0.17%:

- Member Organization A would qualify for a credit of $0.0015 for displayed adding liquidity, exceeding the 0.05% step up with 0.12% over first quarter 2021 baseline and meeting the 0.015% Adding ADV requirement.

The purpose of this proposed change is also to incentivize member organizations to increase the liquidity-providing orders in the Tape A securities they send to the Exchange, which would support the quality of price discovery on the Exchange and provide additional liquidity for incoming orders. As noted above, the Exchange operates in a competitive environment, particularly as it relates to attracting non-marketable orders, which add liquidity to the Exchange. Because the proposed tier requires a member organization to achieve a minimum volume of its trades in orders that add liquidity, the Exchange believes that the proposed credits would provide an incentive for all member organizations to send additional liquidity to the Exchange in order to qualify for them. The Exchange does not know how much order flow member organizations choose to route to other exchanges or to off-exchange venues. Since the proposed tier is new, the Exchange does not know how many member organizations could qualify for the new tiered rate based on their current trading profile on the Exchange and if they choose to direct order flow to the NYSE. However, without having a view of member organization's activity on other exchanges and off-exchange venues, the Exchange has no way of knowing whether this proposed rule change would result in any member organization directing orders to the Exchange in order to qualify for the new tier.

Charges for Removing Liquidity

Currently, the Exchange sets forth the fees for removing liquidity from the Exchange in Tape A securities in a different section of the Price List from fees for removing liquidity in Tape B and C securities, which are grouped with credits for adding liquidity in Tape B and C securities under their own heading in the Price List. The Exchange proposes to modify certain fees for removing liquidity in Tapes B and C securities and relocate them to section of the Price List setting forth the current fees for removing liquidity in Tape A securities. In addition, other fees for removing liquidity in Tape B and C securities would be deleted or relocated within the current section of the Price List where remove fees and adding credits in Tapes B and C securities are set forth.

First, the current base rate charged for non-Floor broker transactions that remove liquidity from the Exchange (*i.e.,* unless one of the charges set forth immediately below this charge applies) is a fee of $0.0030. The Exchange proposes that this fee would apply to Tape B and C securities in addition to Tape A securities.

Second, under Remove Tier 2 for Tape B and C securities, the Exchange currently charges a per tape fee of $0.00285 per share to remove liquidity from the Exchange for member

organizations with an at least 50,000 shares Per Tape of Non-SLP and Floor broker Adding ADV. This fee would be deleted from Remove Tier 2 and incorporated into a new section under Tape A securities setting forth rates and new requirements for removing liquidity in Tape A, B and C securities, as follows.

As proposed, for non-Floor broker transactions if the member organization has an Adding ADV, excluding liquidity added by a DMM, that is at least 250,000 ADV on the NYSE in Tape A securities, the Exchange would offer a fee of $0.00295 for Tape A securities and $0.00285 for Tape B and C securities. For non-Floor broker transactions if the member organization has an Adding ADV, excluding liquidity added by a DMM, that is at least 3,500,000 ADV on the NYSE in Tape A securities, the Exchange would offer a fee of $0.00290 in Tape A securities and a fee of $0.00285 for Tape B and C securities.

Further, the Exchange currently charges $0.00285 for non-Floor broker transactions that remove liquidity from the Exchange by member organizations with an Adding ADV, excluding any liquidity added by a DMM, that is more than 250,000 ADV on the NYSE in Tape A Securities and less than 500,000 ADV on the NYSE in Tape B and Tape C securities combined during the billing month.

The Exchange proposes to revise the requirements and extend the same fee to Tape A, B and C securities. Specifically, the Exchange proposes a fee of $0.00285 in Tape A, B and C securities for non-Floor broker transactions if the member organization has Adding ADV, excluding liquidity added by a DMM, that is at least 7,000,000 ADV in Tape A securities and 500,000 ADV in Tape B and Tape C securities combined.

Similarly, the Exchange currently charges $0.00275 for non-Floor broker transactions that remove liquidity from the Exchange by member organizations with an Adding ADV, excluding any liquidity added by a DMM, that is at least 250,000 ADV on the NYSE in Tape A securities and at least 500,000 ADV on the NYSE in Tape B and C securities combined during the billing month.

The Exchange proposes new fees and revised requirements. As proposed, the Exchange proposes a fee of $0.0028 in Tape A securities and a fee of $0.00285 Tape B and C securities for non-Floor broker transactions if the member organization has Adding ADV, excluding liquidity added by a DMM, that is at least 14,000,000 ADV in Tape A securities and 750,000 ADV in Tape B and Tape C securities combined.

Finally, in the section of the Price List setting forth fees for removing liquidity in Tape B and C securities, the Exchange would make the following additional changes.

First, for executions on the Exchange in Tape B and C securities that remove liquidity, the Exchange currently charges $0.0030 per share for securities priced at or above $1.00, including MPL Orders, unless the Floor broker fee or the Remove Tier fees applies. The Exchange proposes to delete this fee since it would be referenced in the above section.

Second, following the current $0.0026 fee for Floor broker Tape B and C executions that remove liquidity from the Exchange, which would remain unchanged, the Exchange would clarify that remove rates listed in the Tape A section of the Price List would apply unless a better rate set forth below apply.

Finally, the current Remove Tier 1 for Tape B and C securities, which provides a per tape fee of $0.0026 per share to remove liquidity from the Exchange for member organizations meeting its requirements, would be moved from its current place and moved up within the same section. The rate and requirements would remain unchanged.

As noted, the current Remove Tier 2 for Tape B and C securities would be deleted from its current place. The heading titled ''Remove Tiers For Securities At or Above $1.00 Requirement Rate'' would also be deleted.

The Exchange believes that the proposed changes, taken together, will incentivize submission of additional liquidity in Tape A, B and Tape C securities to a public exchange, thereby promoting price discovery and transparency and enhancing order execution opportunities for member organizations. As noted above, the Exchange operates in a competitive environment, particularly as it relates to attracting non-marketable orders, which add liquidity to the Exchange. The Exchange does not know how much order flow member organizations choose to route to other exchanges or to off-exchange venues. Because the proposed reconfiguration of the fees involves the introduction of new fees and/or new requirements, the Exchange does not know how many member organizations could qualify for the new remove fees based on their current trading profile on the Exchange and if they choose to direct order flow to the NYSE. However, without having a view of member organization's activity on other exchanges and off-exchange venues, the Exchange has no way of knowing whether this proposed rule change would result in any member organization directing orders to the Exchange.

The proposed changes are not otherwise intended to address other issues, and the Exchange is not aware of any significant problems that market participants would have in complying with the proposed changes.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[10] in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,[11] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

As discussed above, the Exchange operates in a highly competitive market. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. 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.'' [12] While Regulation NMS has enhanced competition, it has also fostered a ''fragmented'' market structure where trading in a single stock can occur across multiple trading centers. When multiple trading centers compete for order flow in the same stock, the Commission has recognized that ''such competition can lead to the fragmentation of order flow in that stock.'' [13]

Given this competitive environment, the proposal represents a reasonable attempt to attract additional order flow to the Exchange.

The Proposed Change Is Reasonable

Adding Tiers

The proposed new Adding Tier Credits are reasonable. Specifically, the

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(4) & (5).

[12] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37495, 37499 (June 29, 2005) (S7–10–04) (Final Rule) (''Regulation NMS'').

[13] *See* Securities Exchange Act Release No. 61358, 75 FR 3594, 3597 (January 21, 2010) (File No. S7–02–10) (Concept Release on Equity Market Structure).

Exchange believes that the proposed adding tiers would provide additional incentives for member organizations to send additional liquidity providing orders to the Exchange in Tape A securities. As noted above, the Exchange operates in a highly competitive environment, particularly for attracting non-marketable order flow that provides liquidity on an exchange.

The Exchange believes that the requirements for the proposed Tier 1 Adding Credit, Tier 2 Adding Credit, and Tier 3 Adding Credit are reasonable because each would encourage additional displayed and non-displayed liquidity on the Exchange and because market participants benefit from the greater amounts of displayed and non-displayed liquidity present on the Exchange. Further, the Exchange believes it's reasonable to provide credits of $0.0019, $0.0017 and $0.0015 when the current adding tiers offer credits of $0.0018 (current Tier 3, proposed Tier 4 Adding Credit) and $0.0020 (Tier 2 Adding Credit) because the proposal would provide additional ways for member organizations to qualify for a tiered credit by adding liquidity, thereby encouraging member organizations to send orders that provide liquidity to the Exchange which in turn contributes to robust levels of liquidity and promoting price discovery and transparency which benefits all market participants. In addition, the Exchange believes that the additional credit of $0.0001 per share for member organizations that meet the proposed tier requirements and add liquidity, excluding liquidity added as an Supplemental Liquidity Provider, in Tape B and C Securities of at least 0.20% of Tape B and Tape C CADV combined is reasonable as a similar incentive is offered in the NYSE's other adding tiers (Tier 1–3 Adding Credits). Since the proposed Adding Tiers would be new, no member organization currently qualifies for the proposed pricing tiers. As previously noted, without a view of member organization activity on other exchanges and off-exchange venues, the Exchange has no way of knowing whether the proposed rule change would result in any member organization qualifying for the tier. The Exchange believes the proposed credit is reasonable as it would provide an incentive for member organizations to direct their order flow to the Exchange and provide meaningful added levels of liquidity in order to qualify for the credits, thereby contributing to depth and market quality on the Exchange.

Charges for Removing Liquidity

The Exchange believes that the proposal to relocate and modify certain fees, and introduce new fees, for transactions that remove liquidity from the Exchange in Tape A, B and C securities are reasonable. The purpose of these changes is to encourage additional liquidity on the Exchange because market participants benefit from the greater amounts of displayed liquidity present on a public exchange. The Exchange believes that the proposed new fees and modifications to qualification requirements will incentivize additional liquidity in Tape A, B and Tape C securities to a public exchange to qualify for lower fees for removing liquidity, thereby promoting price discovery and transparency and enhancing order execution opportunities for member organizations. The proposal is thus reasonable because all member organizations would benefit from such increased levels of liquidity.

Non-Substantive Changes

Finally, the Exchange believes the proposed non-substantive clarifying and conforming changes are reasonable and would not be inconsistent with the public interest and the protection of investors because investors will not be harmed and in fact would benefit from increased clarity and transparency on the Price List, thereby reducing potential confusion.

The Proposal Is an Equitable Allocation of Fees

The Exchange believes its proposal equitably allocates its fees among its market participants. The Exchange believes its proposal equitably allocates its fees among its market participants by fostering liquidity provision and stability in the marketplace.

Adding Tiers

The Exchange believes that the proposal to provide additional incremental tiered credits for adding liquidity to the Exchange in Tape A securities is equitable because it would encourage additional displayed liquidity on the Exchange and because market participants benefit from the greater amounts of displayed liquidity present on the Exchange. The Exchange believes that the magnitude of the additional credit is not unreasonably high compared to the current adding tier credits and also relative to the other adding tier credits, which range from $0.0015 to $0.0031, in comparison to the credits paid by other exchanges for orders that provide additional step up liquidity.[14]

The Exchange believes the proposed rule change would improve market quality for all market participants on the Exchange and, as a consequence, attract more liquidity to the Exchange, thereby improving market-wide quality and price discovery. Since the proposed Adding Tiers would be new, no member organization currently qualifies for them. The Exchange does not know how much order flow member organizations choose to route to other exchanges or to off-exchange venues. As described above, member organizations with liquidity-providing orders have a choice of where to send those orders. The Exchange believes that by offering alternate credits for member organizations to qualify for a tiered credit, more member organizations will be able to choose to route their liquidity-providing orders to the Exchange to qualify for one of the proposed credits. However, without having a view of member organization's activity on other exchanges and off-exchange venues, the Exchange has no way of knowing whether this proposed rule change would result in any member organization directing orders to the Exchange in order to qualify for the new credits.

The Exchange believes the proposed credits are reasonable as they would provide an additional incentive for member organizations to direct their order flow to the Exchange and provide meaningful added levels of liquidity in order to qualify for the higher credits, thereby contributing to depth and market quality on the Exchange. The proposal neither targets nor will it have a disparate impact on any particular category of market participant. All member organizations would be eligible to qualify for the proposed credits if they meet the proposed adding liquidity requirements for each proposed tier. The Exchange believes that offering credits for providing liquidity will continue to attract order flow and liquidity to the Exchange, thereby providing additional price improvement opportunities on the Exchange and benefiting investors generally. As to those market participants that do not presently qualify for the adding liquidity credits, the proposal would provide a lower entry point and revised requirements that could allow those member organizations to qualify for a credit. The proposal will also not

[14] *See* Cboe BZX Fee Schedule, which has adding credits ranging from $0.0025 to $0.0032, at *https://markets.cboe.com/us/equities/membership/fee_schedule/bzx/*.

adversely impact their ability to qualify for other credits provided by the Exchange.

Charges for Removing Liquidity

The Exchange believes that, for the reasons discussed above, the proposed changes taken together, will incentivize member organizations to send additional adding liquidity to achieve lower fees when removing liquidity in Tape A, B and Tape C securities from the Exchange, thereby increasing the number of orders that are executed on the Exchange, promoting price discovery and transparency and enhancing order execution opportunities and improving overall liquidity on a public exchange. The Exchange also believes that the proposed change is equitable because it would apply to all similarly situated member organizations that remove liquidity in Tape A, B or Tape C securities. The proposed change also is equitable because it would be consistent with the applicable rate on other marketplaces. For example, Nasdaq PSX provides a fee per share for removing liquidity, $0.0028 in Tape A and B securities and $0.0029 in Tape C securities, if a firm removes 0.065% or more of Consolidated Volume; otherwise, Nasdaq PSX imposes a charge of $0.0030 per share for removing liquidity.[15] The Exchange notes that since the requirement is for Tape B and Tape C securities combined, member organizations can meet the requirement by adding liquidity in either Tape B or Tape C securities, or both. The Exchange further notes that other marketplaces have tiers with adding requirements in specific tapes to qualify for a rate in securities on another tape. For example, to be eligible for a $0.0020 adding credit in Tape C securities on Nasdaq, firms are required to average a minimum of 250,000 shares added per day in Tape A or Tape B securities (combined); otherwise, the Tape C credit for adding liquidity is $0.0015.[16]

As previously noted, the Exchange operates in a competitive environment, particularly as it relates to attracting non-marketable orders, which add liquidity to the Exchange. The Exchange does not know how much order flow member organizations choose to route to other exchanges or to off-exchange venues. Because the proposed reconfiguration of the fees involves the introduction of new fees and/or new requirements, the Exchange does not know how many member organizations could qualify for the new remove fees based on their current trading profile on the Exchange and if they choose to direct order flow to the NYSE. However, without having a view of member organization's activity on other exchanges and off-exchange venues, the Exchange has no way of knowing whether this proposed rule change would result in any member organization directing orders to the Exchange.

The Proposal Is Not Unfairly Discriminatory

Adding Tiers

The Exchange believes it is not unfairly discriminatory to provide an additional adding tiers and corresponding credits as the proposed credits would be provided on an equal basis to all member organizations that add liquidity by meeting the new proposed adding tier requirements. For the same reason, the Exchange believes it is not unfairly discriminatory to provide an additional credit of $0.0001 per share for member organizations that meet the proposed tier requirements and add a minimum liquidity as a percentage of Tape B and Tape C CADV. Further, the Exchange believes the proposed adding tier credits would incentivize member organizations that meet the new tiered requirements to send more orders to the Exchange. Since the proposed credits would be new, no member organization currently qualifies for them. As noted, without a view of member organization activity on other exchanges and off-exchange venues, the Exchange has no way of knowing whether this proposed rule change would result in any member organization qualifying for the tier. The Exchange believes the proposed credit is reasonable as it would provide an incentive for member organizations to direct their order flow to the Exchange and provide meaningful added levels of liquidity in order to qualify for the credits, thereby contributing to depth and market quality on the Exchange. The proposal neither targets nor will it have a disparate impact on any particular category of market participant. All member organizations that provide liquidity could be eligible to qualify for the proposed credit if meet the proposed adding liquidity requirements. The Exchange believes that offering credits for providing liquidity will continue to attract order flow and liquidity to the Exchange, thereby providing additional price improvement opportunities on the Exchange and benefiting investors generally. As to those market participants that do not presently qualify for the adding liquidity credits, the proposal will not adversely impact their existing pricing or their ability to qualify for other credits provided by the Exchange.

Charges for Removing Liquidity

The Exchange believes that that reconfiguring the charges for member organizations that remove liquidity in all three tapes will incentivize submission of additional liquidity in Tape A, B and Tape C securities to a public exchange to qualify for the fees for removing liquidity, thereby promoting price discovery and transparency and enhancing order execution opportunities for member organizations.

The proposal does not permit unfair discrimination because the new rates for removing liquidity in Tape A, B and C securities would be applied to all similarly situated member organizations and other market participants, who would all be eligible for the same credit on an equal basis. Accordingly, no member organization already operating on the Exchange would be disadvantaged by this allocation of fees. The Exchange believes it is not unfairly discriminatory to provide lower fees for removing liquidity as the proposed fee and credits would be provided on an equal basis to all member organizations that remove liquidity by meeting the tiered requirements. Further, the Exchange believes the proposed fee would provide an incentive for member organizations to remove additional liquidity from the Exchange in Tape A, B and C securities. The Exchange also believes that the proposed change is not unfairly discriminatory because it is reasonably related to the value to the Exchange's market quality associated with higher volume. As noted, the proposed change also is not unfairly discriminatory because it would be consistent with the applicable rate on other marketplaces.

Finally, the submission of orders to the Exchange is optional for member organizations in that they could choose whether to submit orders to the Exchange and, if they do, the extent of its activity in this regard.

Finally, the Exchange believes that it is subject to significant competitive forces, as described below in the Exchange's statement regarding the burden on competition.

For the foregoing reasons, the Exchange believes that the proposal is consistent with the Act.

[15] *See https://www.nasdaqtrader.com/Trader.aspx?id=PSX_Pricing.*

[16] *See https://www.nasdaqtrader.com/Trader.aspx?id=PriceListTrading2.*

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[17] 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. Instead, as discussed above, the Exchange believes that the proposed changes 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 member organizations. As a result, the Exchange believes that the proposed change furthers the Commission's goal in adopting Regulation NMS of fostering integrated competition among orders, which promotes ''more efficient pricing of individual stocks for all types of orders, large and small.'' [18]

Intramarket Competition. The proposed changes are designed to attract additional order flow to the Exchange. The Exchange believes that the proposed changes would continue to incentivize market participants to direct displayed and non-displayed order flow to the Exchange. Greater liquidity benefits all market participants on the Exchange by providing more trading opportunities and encourages member organizations to send orders, thereby contributing to robust levels of liquidity, which benefits all market participants on the Exchange. The current and proposed fees and credits would be available to all similarly situated market participants, and, as such, the proposed change would not impose a disparate burden on competition among market participants on the Exchange. As noted, the proposal would apply to all similarly situated member organizations on the same and equal terms, who would benefit from the changes on the same basis. Accordingly, the proposed change would not impose a disparate burden on competition among market participants on the Exchange.

Intermarket Competition. The Exchange operates in a highly competitive market in which market 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. In such an environment, the Exchange must continually adjust its fees and rebates to remain competitive with other exchanges and with off-exchange venues. Because competitors are free to modify their own fees and credits in response, and because market participants may readily adjust their order routing practices, the Exchange does not believe its proposed fee change can impose any burden on intermarket competition.

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 foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A) [19] of the Act and subparagraph (f)(2) of Rule 19b–4 [20] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

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 Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [21] 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–NYSE–2021–35 on the subject line.

Paper Comments

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

All submissions should refer to File Number SR–NYSE–2021–35. 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–NYSE–2021–35, and should be submitted on or before July 8, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[22]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2021–12747 Filed 6–16–21; 8:45 am]

BILLING CODE 8011–01–P

[17] 15 U.S.C. 78f(b)(8).

[18] Regulation NMS, 70 FR at 37498–99.

[19] 15 U.S.C. 78s(b)(3)(A).

[20] 17 CFR 240.19b–4(f)(2).

[21] 15 U.S.C. 78s(b)(2)(B).

[22] 17 CFR 200.30–3(a)(12), (59).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–92152; File No. SR–CboeEDGA–2021–015]

Self-Regulatory Organizations; Cboe EDGA Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule

June 11, 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 June 9, 2021, Cboe EDGA Exchange, Inc. (the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

''Exchange'' or ''EDGA'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe EDGA Exchange, Inc. (the ''Exchange'' or ''EDGA'') is filing with the Securities and Exchange Commission (''Commission'') a proposed rule change to amend the 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/edga/*), 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 as follows: (1) Decrease the standard liquidity adding rebate, (2) define the term ''Step-Up ADV'', and (3) rename the existing Remove Volume Tier 1 to Remove Volume Tier 2 and add new Remove Volume Tiers 1 and 3.[3]

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 registered equities exchanges, as well as a number of alternative trading systems and other off-exchange venues that do not have similar self-regulatory responsibilities under the Exchange Act, to which market participants may direct their order flow. Based on publicly available information,[4] no single registered equities exchange has more than 15% of the market share. Thus, in such a low-concentrated and highly competitive market, no single equities exchange possesses significant pricing power in the execution of order flow. The Exchange in particular operates a ''Taker-Maker'' model whereby it pays credits to Members that remove liquidity and assesses fees to those that add liquidity. The Exchange's fee schedule sets forth the standard rebates and rates applied per share for orders that remove and provide liquidity, respectively. Particularly, for securities at or above $1.00, the Exchange provides a standard rebate of $0.0018 per share for orders that remove liquidity and assesses a fee of $0.0030 per share for orders that add liquidity. For order priced below $1.00, the Exchange does not assess any fees or provide any rebates for orders that add or remove liquidity. 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.

Additionally, in response to the competitive environment, the Exchange 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.

Standard Liquidity Rebate

As stated above, the Exchange currently provides a standard rebate of $0.0018 per share for liquidity removing orders (*i.e.,* those yielding fee codes N,[5] W,[6] 6,[7] and BB[8]) in securities priced at or above $1.00. Orders in securities priced below $1.00 that remove liquidity are provided no rebate and assessed no fee. The Exchange now proposes to reduce the standard rebate for liquidity removing orders to $0.0016 per share. Although this proposed standard rebate for liquidity removing orders is lower than the current base rebate for such orders, the proposed rebate is in line with or superior to similar rebates for liquidity removing orders in place on other ''Taker-Maker'' exchanges.[9]

Definition and Remove Volume Tiers

The Exchange proposes to adopt a new definition for the term ''Step-Up ADV''. Specifically, as proposed ''Step-up ADV'' means ADV[10] in the relevant baseline month subtracted from current ADV. Such definition would be referenced in the proposed Remove Volume Tier 3, as discussed below.

Pursuant to footnote 7 of the fee schedule, the Exchange currently offers a Remove Volume Tier that provides a rebate to Members meeting a certain volume threshold. Specifically, Tier 1 currently provides an opportunity for Members to receive an enhanced rebate of $0.0022 per share for qualifying liquidity removing orders (*i.e.,* yielding fee codes N, W, 6, and BB), where a Member adds or removes an ADV greater than or equal to 0.05% of the TCV.[11] Now, the Exchange proposes to rename existing Tier 1 of the Remove Volume Tiers to Tier 2, and add additional Tiers 1 and 3. Specifically, proposed Tier 1 would provide a rebate of $0.0018 per share to Members that add or remove an ADV of greater than or equal to 0.02% of the TCV. Proposed Tier 3 would provide a rebate of $0.0024 to Members that (1) add or remove a Step-Up ADV from May 2021 greater

[3] The Exchange initially filed the proposed fee changes June 1, 2021 (SR–CboeEDGA–2021–014). On June 9, 2021 the Exchange withdrew that filing and submitted this proposal.

[4] *See* Cboe Global Markets, U.S. Equities Market Volume Summary, Month-to-Date (May 24, 2021), available at *https://markets.cboe.com/us/equities/market_statistics/*.

[5] Orders yielding Fee Code ''N'' are removing liquidity from EDGA (Tape C).

[6] Orders yielding Fee Code ''W'' are removing liquidity from EDGA (Tape A).

[7] Orders yielding Fee Code ''6'' are removing liquidity from EDGA (All Tapes).

[8] Orders yielding Fee Code ''BB'' are removing liquidity from EDGA (Tape B).

[9] *E.g.,* Nasdaq BX, Inc. (''BX''), which operates a ''Taker-Maker'' model, charges a standard fee of $0.0007 for liquidity removing orders unless certain volume criteria is met, in which case BX provides a rebate ranging from $0.0004 up to $0.0018.

[10] ADV means daily volume calculated as the number of shares added to, removed from, or routed by, the Exchange, or any combination or subset thereof, per day. ADV is calculated on a monthly basis.

[11] TCV means total consolidated volume calculated as the volume reported by all exchanges and trade reporting facilities to a consolidated transaction reporting plan for the month for which the fees apply.

than or equal to 0.05% of the TCV or add or remove a Step-Up ADV from May 2021 greater than or equal to 3,000,000 shares; and (2) add an ADV greater than or equal to 0.05% or add an ADV of greater than or equal to 3,000,000 shares.

The Exchange notes that the Remove Volume Tiers, as modified, will continue to be available to all Members and provide Members an opportunity to receive enhanced rebates. Moreover, the proposed changes are designed to encourage Members to increase both adding and removing liquidity on the Exchange, which further contributes to a deeper, more liquid market and provides even more execution opportunities for active market participants.

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. 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 Exchange believes that the proposed amendment to reduce the standard liquidity removing rebate is reasonable because the proposed change represents a modest rebate decrease and Members will continue to receive a rebate on all liquidity removing orders, albeit at a lower amount. The proposed change is also equitable and non-discriminatory as such rebates are equally applicable to all Members of the Exchange. Additionally, the proposed rebates for liquidity removing orders are in-line with rebates offered at other exchanges for similar transactions.[15]

The Exchange also believes the proposal to define the term ''Step-Up ADV'' is reasonable as it will clarify terminology used in the fee schedule, to the benefit of all Members. Further, the Exchange believes the proposed changes to the Remove Volume Tiers are reasonable because each tier, as modified, will be available to all Members and provide Members an opportunity to receive an enhanced rebate. The Exchange next notes that relative volume-based incentives and discounts have been widely adopted by exchanges, including the Exchange, and are reasonable, equitable, and non-discriminatory because they are open to all Members on an equal basis and provide additional discounts that are reasonably related to (i) the value to an exchange's market quality and (ii) associated with higher levels of market activity, such as higher levels of liquidity provision and/or growth patterns. The Exchange also believes that the proposed and existing rebates under the Remove Volume Tiers are commensurate with the respective proposed and existing criteria. That is, the rebates reasonably reflect the difficulty in achieving the corresponding criteria.

The Exchange believes that the changes to the Remove Volume Tiers, will benefit all market participants by incentivizing continuous liquidity and, thus, deeper more liquid markets as well as increased execution opportunities. Particularly, the proposed changes to the Remove Volume Tiers are designed to incentivize both adding and removing liquidity, which further contributes to a deeper, more liquid market and provide even more execution opportunities for active market participants at improved prices. This overall increase in activity deepens the Exchange's liquidity pool, offers additional cost savings, supports the quality of price discovery, promotes market transparency and improves market quality, for all investors.

The Exchange also believes that the proposed amendments to the Remove Volume Tiers represent an equitable allocation of rebates and are not unfairly discriminatory because all Members are eligible for the Remove Volume Tiers and would have the opportunity to meet the tiers' criteria and would receive the proposed rebate if such criteria is met. The Exchange also notes that the proposed changes will not adversely impact any Member's ability to qualify for other reduced fee or enhanced rebate tiers. Should a Member not meet the proposed criteria under any of the proposed tiers, the Member will merely not receive that corresponding enhanced rebate. A number of Members have a reasonable opportunity to satisfy proposed Remove Volume Tiers 1 and 3, which the Exchange believes are less and more stringent than existing Tier 1, respectively. While the Exchange has no way of knowing whether this proposed rule change would definitively result in any particular Member qualifying for the proposed tiers, the Exchange anticipates at least seven Members to compete for and reasonably achieve proposed tier 1 and five Members to compete for and reasonably achieve proposed tier 3. However, the proposed tiers are open to any Member that satisfies the applicable tier's criteria. The Exchange believes the proposed tiers could provide an incentive for other Members to submit additional liquidity on the Exchange to qualify for the proposed enhanced rebate.

As noted above, the Exchange operates in a highly competitive market. The Exchange is only one of 16 equity venues to which market participants may direct their order flow, and it represents a small percentage of the overall market. It is also only one of several taker-maker exchanges. Competing equity exchanges offer similar rates and tiered pricing structures to that of the Exchange, including schedules of rebates and fees that apply based upon members achieving certain volume thresholds.

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. Particularly, the proposed standard rebate reduction applies to all liquidity removing orders equally, and thus applies to all Members equally. Similarly, all Members have the opportunity to meet the tiers' criteria and would receive the proposed rebate

[12] 15 U.S.C. 78f.

[13] 15 U.S.C. 78f(b)(4).

[14] 15 U.S.C. 78f.(b)(5).

[15] *Supra* note 8.

if such criteria is met. 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 purpose 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 direct their order flow, including other equities exchanges, off-exchange venues, and alternative trading systems. Additionally, the Exchange represents a small percentage of the overall market. Based on publicly available information, no single equities exchange has more than 15% of the market share.[16] Therefore, no exchange possesses significant pricing power in the execution of 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 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.'' [17] 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'. . . .''.[18] Accordingly, the Exchange does not believe its proposed fee changes 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 [19] and paragraph (f) of Rule 19b–4 [20] 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–CboeEDGA–2021–015 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–CboeEDGA–2021–015. 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–CboeEDGA–2021–015 and should be submitted on or before July 8, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2021–12745 Filed 6–16–21; 8:45 am]

BILLING CODE 8011–01–P

[16] *Supra* note 3.

[17] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

[18] 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)).

[19] 15 U.S.C. 78s(b)(3)(A).

[20] 17 CFR 240.19b–4(f).

[21] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–92154; File No. SR–NYSE–2020–96]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Designation of a Longer Period for Commission Action on Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change To Amend Its Rules Establishing Maximum Fee Rates To Be Charged by Member Organizations for Forwarding Proxy and Other Materials to Beneficial Owners

June 11, 2021.

On December 2, 2020, New York Stock Exchange LLC (''NYSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4

[1] 15 U.S.C. 78s(b)(1).

thereunder,[2] a proposed rule change to delete the maximum fee rates for forwarding proxy and other materials to beneficial owners set forth in NYSE Rules 451 and 465 and Section 402.10 of the NYSE Listed Company Manual, and establish in their place a requirement for member organizations to comply with any schedule of approved charges set forth in the rules of any other national securities exchange or association of which such member organization is a member. The proposed rule change was published for comment in the **Federal Register** on December 21, 2020.[3] On February 1, 2021, pursuant to Section 19(b)(2) of the Act,[4] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[5] On March 18, 2021, the Commission instituted proceedings under Section 19(b)(2)(B) of the Act[6] to determine whether to approve or disapprove the proposed rule change.[7]

Section 19(b)(2) of the Act[8] provides that, after initiating proceedings, the Commission shall issue an order approving or disapproving the proposed rule change not later than 180 days after the date of publication of notice of filing of the proposed rule change. The Commission may extend the period for issuing an order approving or disapproving the proposed rule change, however, by not more than 60 days if the Commission determines that a longer period is appropriate and publishes the reasons for such determination. The proposed rule change was published for comment in the **Federal Register** on December 21, 2020.[9] The 180th day after publication of the proposed rule change is June 19, 2021. The Commission is extending the time period for approving or disapproving the proposed rule change for an additional 60 days.

The Commission finds that it is appropriate to designate a longer period within which to issue an order approving or disapproving the proposed rule change so that it has sufficient time to consider the proposed rule change, the issues raised in the comment letters that have been submitted in connection therewith, and the Exchange's response to the comments. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[10] designates August 18, 2021, as the date by which the Commission shall either approve or disapprove the proposed rule change (File Number SR–NYSE–2020–96).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2021–12748 Filed 6–16–21; 8:45 am]

BILLING CODE 8011–01–P

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 90677 (December 15, 2020), 85 FR 83119 (December 21, 2020). Comments received on the proposal are available on the Commission's website at: *https://www.sec.gov/comments/sr-nyse-2020-96/srnyse202096.htm.*

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 91025 (February 1, 2021), 86 FR 8420 (February 5, 2021).

[6] 15 U.S.C. 78s(b)(2)(B).

[7] *See* Securities Exchange Act Release No. 91359 (March 18, 2021), 86 FR 15734 (March 24, 2021).

[8] 15 U.S.C. 78s(b)(2).

[9] *See supra* note 3.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–92155; File No. SR–NYSE–2020–98)]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Designation of a Longer Period for Commission Action on Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change, as Modified by Amendment No. 2, To Amend Its Rules To Prohibit Member Organizations From Seeking Reimbursement, in Certain Circumstances, From Issuers for Forwarding Proxy and Other Materials to Beneficial Owners

June 11, 2021.

On November 30, 2020, New York Stock Exchange LLC (''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend its rules to prohibit member organizations from seeking reimbursement, in certain circumstances, from issuers for forwarding proxy and other materials to beneficial owners. The proposed rule change was published for comment in the **Federal Register** on December 18, 2020.[3] On January 29, 2021, pursuant to Section 19(b)(2) of the Act,[4] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[5] On March 17, 2021, the Commission instituted proceedings under Section 19(b)(2)(B) of the Act[6] to determine whether to approve or disapprove the proposed rule change.[7] On April 6, 2021, the Exchange filed Amendment No. 1 to the proposed rule change; the Exchange withdrew that amendment on April 16, 2021. On April 16, 2021, the Exchange filed Amendment No. 2 to the proposed rule change, which superseded the proposed rule change as originally filed. The proposed rule change, as modified by Amendment No. 2, was published for comment in the **Federal Register** on April 29, 2021.[8]

Section 19(b)(2) of the Act[9] provides that, after initiating proceedings, the Commission shall issue an order approving or disapproving the proposed rule change not later than 180 days after the date of publication of notice of filing of the proposed rule change. The Commission may extend the period for issuing an order approving or disapproving the proposed rule change, however, by not more than 60 days if the Commission determines that a longer period is appropriate and publishes the reasons for such determination. The proposed rule change was published for comment in the **Federal Register** on December 18, 2020.[10] The 180th day after publication of the Original Notice is June 16, 2021. The Commission is extending the time period for approving or disapproving the proposed rule change for an additional 60 days.

The Commission finds that it is appropriate to designate a longer period within which to issue an order approving or disapproving the proposed rule change so that it has sufficient time to consider the proposed rule change, as modified by Amendment No. 2, and the comments that have been submitted in connection therewith. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[11] designates August 15, 2021, as the date by which the

[10] 15 U.S.C. 78s(b)(2).

[11] 17 CFR 200.30–3(a)(57).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 90653 (December 14, 2020), 85 FR 82539 (December 18, 2020) (''Original Notice''). Comments received on the proposal are available on the Commission's website at: *https://www.sec.gov/comments/sr-nyse-2020-98/srnyse202098.htm.*

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 91011 (January 29, 2021), 86 FR 8246 (February 4, 2021).

[6] 15 U.S.C. 78s(b)(2)(B).

[7] *See* Securities Exchange Act Release No. 91343 (March 17, 2021), 86 FR 15536 (March 23, 2021).

[8] *See* Securities Exchange Act Release No. 91663 (April 23, 2021), 86 FR 22725 (April 29, 2021).

[9] 15 U.S.C. 78s(b)(2).

[10] *See supra* note 3.

[11] 15 U.S.C. 78s(b)(2).

Commission shall either approve or disapprove the proposed rule change (File Number SR–NYSE–2020–98), as modified by Amendment No. 2.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2021–12752 Filed 6–16–21; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #16974 and #16975; Virginia Disaster Number VA–00095]

Presidential Declaration Amendment of a Major Disaster for Public Assistance Only for the State of Virginia

AGENCY: Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of VIRGINIA (FEMA–4602–DR), dated 05/10/2021.

Incident: Severe Winter Storms.

Incident Period: 02/11/2021 through 02/13/2021.

DATES: Issued on 06/10/2021.

Physical Loan Application Deadline Date: 07/09/2021.

Economic Injury (EIDL) Loan Application Deadline Date: 02/10/2022.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of VIRGINIA, dated 05/10/2021, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Chesterfield, Hanover.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Barbara Carson,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2021–12810 Filed 6–16–21; 8:45 am]

BILLING CODE 8026–03–P

[12] 17 CFR 200.30–3(a)(57).

DEPARTMENT OF STATE

[Public Notice: 11448]

Clean Energy Resources Advisory Committee

AGENCY: Department of State.

ACTION: Notice of intent to establish an advisory committee.

The Secretary of State announces an intent to establish the Department of State Clean Energy Resources Advisory Committee (the Committee), in accordance with the Federal Advisory Committee Act.

Nature and Purpose: The Committee will provide input and advice on major issues and problems in regard to energy minerals, their supply chains, and end uses, including with respect to:

(a) The energy resources market and how it affects overall foreign policy;

(b) Development of trade policy and negotiations impacting the competitiveness of U.S. energy minerals and associated goods and services;

(c) Formulation of U.S. government policies and programs that directly impact the competitiveness of U.S. energy minerals and associated goods and services;

(d) Identification of priority export markets for and barriers to trade in U.S. energy minerals and associated goods and services, both in the short- and long-term;

(e) Assessing diplomatic policies and practices of foreign governments that impact U.S. energy minerals and associated goods and services;

(f) Design of U.S. government policies and programs that support the development of new markets for U.S. energy minerals and associated goods and services in countries with high potential but that currently lack effective policy and market mechanisms necessary to create demand for energy minerals and associated goods and services; and

(g) Responsible sourcing of energy minerals and preventing supply chain vulnerabilities and bottlenecks.

Other information: It is anticipated that the Commission will meet at least once per year and at such other times and places as are required to fulfill the objectives of the Commission. The Department of State affirms that the advisory committee is necessary and in the public interest.

FOR FURTHER INFORMATION, PLEASE CONTACT: Sara Ferchichi, *ferchichism@state.gov,* (202) 436–1904.

Sara Ferchichi,

Senior Energy Officer, Bureau of Energy Resources, Department of State.

[FR Doc. 2021–12838 Filed 6–16–21; 8:45 am]

BILLING CODE 4710–AE–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36465]

Transportation Holdings, LLC—Control Exemption—Adrian & Blissfield Rail Road Company, Charlotte Southern Railroad Company, Detroit Connecting Railroad Company, Lapeer Industrial Railroad Company, and Jackson & Lansing Railroad Company

Transportation Holdings, LLC (Holdings), a noncarrier, filed a verified notice of exemption under 49 CFR 1180.2(d)(2) for authorization to obtain a controlling interest in Adrian & Blissfield Rail Road Company (A&B), a Class III railroad, and its four subsidiaries, also Class III railroads: Charlotte Southern Railroad Company (CSRC); Detroit Connecting Railroad Company (DCRC); Lapeer Industrial Railroad Company (LIRC); and Jackson & Lansing Railroad Company (JLRC).[1]

The verified notice states that Holdings and the shareholders of A&B will enter into an Equity Purchase Agreement by which Holdings will acquire a controlling interest in A&B and, as a result, indirect control of CSRC, DCRC, LIRC, and JLRC. These five rail carriers own and operate rail lines located entirely within the state of Michigan. Holdings does not control any other rail carriers.

Holdings states that: (1) The lines over which A&B, CSRC, DCRC, LIRC, and JLRC operate do not connect with one another, (2) the proposed transaction is not part of a series of anticipated transactions that would connect the lines with each other; and (3) the transaction does not involve a Class I rail carrier. Therefore, the proposed transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. *See* 49 CFR 1180.2(d)(2).

The earliest this transaction may be consummated is July 1, 2021, the

[1] A&B operates a 20-mile rail line between Adrian and Riga, Mich. CSRC operates a 3.5-mile rail line near Charlotte, Mich. DCRC operates a 2.5-mile rail line in Detroit, Mich. LIRC operates a 1.5-mile rail line in LaPeer, Mich. JLRC operates a 47-mile rail line between Jackson and Lansing, Mich. *See Dobronski—Acquis. of Control—Adrian & Blissfield R.R.,* FD 35787, slip op. at 2 n.1 (STB served Dec. 12, 2013); (*see also* Verified Notice of Exemption at Ex. 1).

effective date of the exemption (30 days after the verified notice was filed).

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. 11326(c) does not provide for labor protection for transactions under 49 U.S.C. 11324 and 11325 that involve only Class III rail carriers. Because this transaction involves Class III rail carriers only, the Board, under the statute, may not impose labor protective conditions for this transaction.

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions to stay must be filed no later than June 24, 2021 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No FD 36465, should be filed with the Surface Transportation Board via e-filing on the Board's website. In addition, a copy of each pleading must be served on Holdings' representative, Bradon J. Smith, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 800, Chicago, IL 60606–3208.

According to Holdings, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and from historic preservation reporting requirements under 49 CFR 1105.8(b).

Board decisions and notices are available at *www.stb.gov.*

Decided: June 14, 2021.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Kenyatta Clay,

Clearance Clerk.

[FR Doc. 2021–12834 Filed 6–16–21; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Draft Environmental Assessment; Establishment of Restricted Area R–2511 at Naval Air Weapons Station China Lake, CA

AGENCY: Federal Aviation Administration (FAA), DOT; Department of the Navy, DoD.

ACTION: Notice of availability.

SUMMARY: The Department of the Navy (DON) has prepared and filed the *Draft Environmental Assessment—Establishment of Restricted Area R–2511 at Naval Air Weapons Station China Lake, California* with the United States Environmental Protection Agency (EPA). The Draft Environmental Assessment (Draft EA) evaluates the potential environmental consequences associated with the establishment of a special use airspace (SUA) consisting of one restricted area (RA). The new SUA would connect the existing R–2505 and R–2524 RAs. The new RA would be titled R–2511 and have the same dimensions as the existing Trona Controlled Firing Area (TCFA).

DATES: The 15-day public comment period starts June 17, 2021, and ends July 2, 2021. All public comments are due by July 2, 2021. Due to current federal and state guidance on social distancing in response to COVID–19, the DON will not hold public meetings during the Draft EA public comment period.

ADDRESSES: Submit written comments with the subject line ''R–2511 Draft EA—Public Comments'' by mail at 901 North Heritage Drive, Suite 204, Ridgecrest, California 93555, email *Comments@R2511EA.com,* or electronically via the project website at *https://www.R2511EA.com.*

All comments submitted during the 15-day public comment period will become part of the public record and will be considered in the Final Environmental Assessment (Final EA). All comments must be postmarked or received online by July 2, 2021, for consideration in the Final EA. Federal, state, and local agencies (including their respective officials) and other interested organizations and individuals are encouraged to provide substantive comments on the Draft EA during the 15-day public comment period.

FOR FURTHER INFORMATION CONTACT: Contact: Lonnie D. Covalt, 206–231–3998, *Lonnie.d.covalt@faa.gov.*

SUPPLEMENTARY INFORMATION: The DON action proponent is NAWCWD, and the FAA is a cooperating agency. Naval Air Weapons Station China Lake (NAWSCL) is located in the western Mojave Desert region of California, approximately 150 miles (241 kilometers) northeast of Los Angeles. NAWSCL is host to NAWCWD and other Department of Defense activities. NAWCWD is the primary tenant command supported at NAWSCL. The Department of the Navy Center of Excellence for Weapons and Armaments has responsibility for RDAT&E for the entire spectrum of naval weapons and armaments (*i.e.,* air, surface, and subsurface).

NAWSCL is separated into two range areas: The North and South ranges, which are overlain by two RAs. R–2505 overlies the North Range, and R–2524 overlies the South Range. NAWCWD, as the NAWSCL ranges' scheduling organization, is the using agency that manages operations conducted within R–2505 and R–2524. The Joshua Control Facility (Joshua Approach) is the controlling agency for R–2505 and R–2524. Access to the SUA is governed by FAA regulations.

Currently, RDAT&E activities between the North and South ranges can be conducted by activating the TCFA. The TCFA is used for free flight weapon systems transiting from areas within R–2505 to target areas within R–2524 and from launch areas within R–2524 to target areas within R–2505. The TCFA occupies altitudes with a floor of 6,000 feet (ft) (1,830 meters [m]) mean sea level (MSL) and a ceiling up to, but not including, Floor Level 200. Ground elevations under the TCFA range from 1,642 to 3,567 ft MSL (500 to 1,087 m MSL), providing a minimum of 2,433 ft (742 m) between the highest ground level point and the 6,000 ft MSL floor of the TCFA. The proposed R–2511 would have the same dimensions as the TFCA.

The DON distributed the Draft EA to federal agencies with which the DON is consulting and other stakeholders. The DON provided public notice in local newspapers. The R–2511 Draft EA is available for electronic viewing or download at *https://R2511EA.com.* A hard copy or electronic copy (on compact disc) of the Draft EA will be made available upon written request by contacting ''R–2511 Establishment EA—Public Comments'' at 901 North Heritage Drive, Suite 204, Ridgecrest, California 93555, *Comments@R2511EA.com,* or the project website at *https://www.R2511EA.com.*

Lonnie Covalt,

Environmental Protection Specialist, Operations Support Group, Western Service Center.

[FR Doc. 2021–12360 Filed 6–16–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. –2022–2082]

Petition for Exemption; Summary of Petition Received; Wittman Regional Airport

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

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, FAA's exemption process. Neither publication of this notice nor the inclusion nor omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before June 22, 2021.

ADDRESSES: Send comments identified by docket number FAA–2016–4042 using any of the following methods:

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

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Brent Hart (202) 267–4034, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Timothy R. Adams,

Acting Executive Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2016–4042.
Petitioner: Wittman Regional Airport.
Section(s) of 14 CFR Affected: § 139.101.
Description of Relief Sought: Wittman Regional Airport seeks an exemption from § 139.01of title 14 of the Code of Federal Regulations in order to permit certain unscheduled air carrier operations at Wittman Regional Airport (KOSH) at limited times during Experimental Aircraft Association AirVenture 2021.

[FR Doc. 2021–12728 Filed 6–16–21; 8:45 am]
BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Action on Proposed Highway Project in Georgia, the Courtesy Parkway Extension From Old Covington Highway to Flat Shoals Road, Rockdale County, Georgia (Atlanta Metropolitan Area)

AGENCY: Federal Highway Administration (FHWA), Department of Transportation (DOT).

ACTION: Notice of limitations on claims for judicial review of action by FHWA and other federal agencies.

SUMMARY: This notice announces actions taken by FHWA and other Federal agencies that are final. This final agency action relates to the construction of the new roadway, known as the Courtesy Parkway Extension, which would bridge over Interstate 20 (I–20) and tie into Flat Shoals Road east of Old Salem Road in Rockdale County, Georgia. The FHWA's Finding of No Significant Impact (FONSI) provides details on the Selected Alternative for the proposed improvements.

DATES: By this notice, FHWA is advising the public of the final agency actions subject to 23 U.S.C. 139(*l*)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before November 15, 2021. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: For FHWA: Mr. Aaron Hernandez, Environmental Coordinator, Federal Highway Administration Georgia Division, 61 Forsyth Street, Suite 17T100, Atlanta, Georgia 30303; telephone (404) 562–3584; email: *aaron.hernandez@dot.gov.* The FHWA Georgia Division Office's normal business hours are 8:00 a.m. to 5:00 p.m. (Eastern Time) Monday through Friday. For Georgia Department of Transportation (GDOT): Mr. Eric Duff, State Environmental Administrator, Georgia Department of Transportation, 600 West Peachtree Street NW, 16th Floor, Atlanta, Georgia 30308; telephone (404) 631–1100; email: *eduff@dot.ga.gov.* The GDOT Office of Environmental Service's normal business hours are 8:00 a.m. to 5:00 p.m. (Eastern Time) Monday through Friday.

SUPPLEMENTARY INFORMATION: Notice is hereby given that FHWA has taken a final agency action by issuing a FONSI for the following highway project in the State of Georgia: The Courtesy Parkway Extension located in Rockdale County, Georgia. The proposed project will increase north-south connectivity between residential areas south of I–20 and commercial areas north of I–20, provide congestion relief, and reduce the frequency and severity of crashes along SR 138/McDonough Highway through the construction of a new location roadway, Courtesy Parkway Extension (N 33.645040, E–83.991673), that would bridge over Interstate 20 (I–20) and tie into Flat Shoals Road Southeast (SE) located approximately 0.5 miles east of Old Salem Road SE and includes connecting roads to Iris Drive. The project would include a new, three-lane, undivided urban roadway from Old Covington Highway to Flat Shoals Road, totaling 1.5 miles. The roadway would bridge over I–20, 1,200 feet east of the existing Courtesy Parkway and would include connection roadways to tie into Iris Drive. The roadway would intersect with Courtesy Parkway alignment from this intersection to Old Covington Highway. The project would include intersection improvements on Flat Shoals Road, Old Covington Highway, and Iris Drive for additional turn lanes. The typical section of the roadway would include curb, gutter, and sidewalk. Five-foot sidewalks are proposed on the existing roads, including Flat Shoals Road and Old Covington Highway as well as the proposed new roadway. Six-foot sidewalks would be added to the proposed bridge.

The FHWA's action, related actions by other Federal agencies, and the laws

under which such actions were taken are described in the Environmental Assessment (EA) approved on December 17, 2020, in FHWA's FONSI issued on May 26, 2021, and other documents in the project file. The EA, FONSI and other project records are available by contacting FHWA or the Georgia Department of Transportation at the addresses listed above. The EA and FONSI can also be reviewed and downloaded from the project website at *https://majormobilityga.com/projects/eastsideic/.*

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. *General:* National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4351]; Federal-Aid Highway Act [23 U.S.C. 109 and 23 U.S.C. 128].

2. *Air:* Clean Air Act [42 U.S.C. 7401–7671(q)].

3. *Land:* Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303]; Landscaping and Scenic Enhancement (Wildflowers) [23 U.S.C. 319].

4. *Noise:* Noise Control Act of 1972 [42 U.S.C. 4901–4918]; 23 CFR part 772; Federal-Aid Highway Act of 1970, Public Law 91–605 [84 Stat. 1713].

5. *Wildlife:* Endangered Species Act (ESA) [16 U.S.C. 1531–1544 and Section 1536]; Fish and Wildlife Coordination Act [16 U.S.C. 661–667d]; Migratory Bird Treaty Act [16 U.S.C. 703–712].

6. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq.*]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)–470(mm)]; Archeological and Historic Preservation Act [16 U.S.C. 469–469(c)]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001–3013].

7. *Social and Economic:* Civil Rights Act of 1964 [42 U.S.C. 2000(d)—2000(d)(1)]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201–4209].

8. *Wetlands and Water Resources:* Land and Water Conservation Fund (LWCF) [16 U.S.C. 4601–4604]; Safe Drinking Water Act (SDWA) [42 U.S.C. 300(f)–300(j)(6)]; Wild and Scenic Rivers Act [16 U.S.C. 1271– 1287]; Flood Disaster Protection Act [42 U.S.C. 4001–4128].

9. *Hazardous Materials:* Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) [42 U.S.C. 9601–9675]; Superfund Amendments and Reauthorization Act of 1986 (SARA); Resource Conservation and Recovery Act (RCRA) [42 U.S.C. 6901–6992(k)].

10. *Executive Orders:* E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13045 Protection of Children from Environmental Health Risks and Safety Risks; E.O. 13112 Invasive Species.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing E.O. 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(*l*)(1).

Moises Marrero,

Division Administrator, Atlanta, Georgia.

[FR Doc. 2021–12597 Filed 6–16–21; 8:45 am]

BILLING CODE 4910–RY–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

National Hazardous Materials Route Registry

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice; revisions to the listing of designated and restricted routes for hazardous materials.

SUMMARY: This notice provides revisions to the National Hazardous Materials Route Registry (NHMRR) reported to the FMCSA from April 1, 2020 through March 31, 2021. The NHMRR is a listing, as reported by States and Tribal governments, of all designated and restricted roads and preferred highway routes for transportation of highway route controlled quantities of Class 7 radioactive materials (HRCQ/RAM) and non-radioactive hazardous materials (NRHM).

DATES: June 17, 2021.

FOR FURTHER INFORMATION CONTACT: Ms. Melissa Williams, Hazardous Materials Division, Office of Enforcement and Compliance, FMCSA, 1200 New Jersey Ave. SE, Washington, DC 20590, (202) 366–4163, *melissa.williams@dot.gov.* Office hours are from 9 a.m. to 5 p.m., ET., Monday through Friday, except for Federal holidays.

Legal Basis and Background

Paragraphs (a)(2) and (b) of section 5112 of title 49 United States Code (U.S.C.) permit States and Tribal governments to designate and limit highway routes over which hazardous materials (HM) may be transported, provided the State or Tribal government complies with standards prescribed by the Secretary of Transportation (the Secretary) and meets publication requirements in section 5112(c). To establish standards under paragraph (b), the Secretary must consult with the States, and, under section 5112(c), coordinate with the States to ''update and publish periodically'' a list of currently effective HM highway routing designations and restrictions. The requirements that States and Tribal governments must follow to establish, maintain, or enforce routing designations for the transport of placardable quantities of NRHM are set forth in 49 CFR part 397, subpart C. Subpart D of part 397 sets out the requirements for designating preferred routes for highway route controlled quantities of HRCQ/RAM shipments as an alternative, or in addition, to Interstate System highways. For HRCQ/RAM shipments, § 397.101 defines a *preferred route* as an Interstate Highway for which no alternative route is designated by the State; a route specifically designated by the State; or both. (See § 397.65 for the definitions of *NRHM* and *routing designations*.)

Under a delegation from the Secretary,[1] FMCSA has authority to implement 49 U.S.C. 5112.

Currently, § 397.73 establishes public information and reporting requirements for NRHM. States or Tribal governments are required to furnish information regarding any new or changed routes to FMCSA within 60 days after establishment. Under § 397.103, a State routing designation for HRCQ/RAM routes (preferred routes) as an alternative, or in addition, to an Interstate System highway, is effective when the authorized routing agency provides FMCSA with written notification, FMCSA acknowledges receipt in writing, and the route is published in FMCSA's NHMRR. The Office of Management and Budget has approved these collections of information under control number 2126–0014, Transportation of Hazardous Materials, Highway Routing.

[1] 49 CFR 1.87(d)(2).

In this notice, FMCSA is merely performing the ministerial function of updating and publishing the NHMRR based on input from its State and Tribal partners under 49 U.S.C. 5112(c)(1). Accordingly, this notice serves only to provide the most recent revisions to the NHMRR; it does not establish any new public information and reporting requirements.

Updates to the NHMRR

FMCSA published the full NHMRR in a **Federal Register** notice on April 29, 2015 (80 FR 23859). Since publication of the 2015 notice, FMCSA published four updates to the NHMRR in **Federal Register** notices on August 8, 2016 (81 FR 52518), August 9, 2018 (83 FR 39500), September 24, 2019 (84 FR 50098), and June 3, 2020 (85 FR 34284).

This notice provides revisions to the NHMRR, reported to FMCSA from April 1, 2020 through March 31, 2021. The revisions to the NHMRR listings in this notice supersede and replace corresponding NHMRR listings published in the April 29, 2015 notice and corresponding revisions to the NHMRR listings published in the August 8, 2016, August 9, 2018, September 24, 2019, and June 3, 2020 notices. Continue to refer to the April 29, 2015 notice for additional background on the NHMRR and the August 8, 2016 notice for the procedures for State and Tribal government routing agencies to update their Route Registry listings and contact information.

The full current NHMRR for each State is posted on the FMCSA's website at: *https://www.fmcsa.dot.gov/regulations/hazardous-materials/national-hazardous-materials-route-registry.*

Revisions to the NHMRR in This Notice

In accordance with the requirements of §§ 397.73 and 397.103, the NHMRR is being revised as follows:

Table 2—California—Designated NRHM Routes

Route Order Designator ''A3A–3.0'' with ''I'' designation is removed.

Table 3—Iowa—Designated NRHM Routes

Route Order Designator ''A1'' is revised to rename I–680 to I–880.

Route Order Designator ''A2A'' is revised to rename I–680 to I–880.

Route Order Designator ''A2B'' is revised to rename I–680 to I–880.

Route Order Designator ''A3B'' is revised to rename I–680 to I–880.

Route Order Designator ''A3B–2.0'' is revised to rename I–680 to I–880.

Route Order Designator ''A3B–3.0'' is revised to rename I–680 to I–880.

Route Order Designator ''A4B–1.0'' is revised to rename I–680 to I–880.

Route Order Key

Each listing in the NHMRR includes codes to identify each route designation and each route restriction reported by the State. Designation codes identify the routes along which a driver may or must transport specified HM. Among the designation codes is one for preferred routes, which apply to the transportation of a highway route controlled quantity of Class 7 (radioactive) material. Restriction codes identify the routes along which a driver may not transport specified HM shipments. Table 1 presents information on each restriction and designation code.

TABLE 1—RESTRICTION/DESIGNATION KEY

Restrictions	Designations
0—ALL Hazardous Materials 1—Class 1—Explosives 2—Class 2—Gas 3—Class 3—Flammable 4—Class 4—Flammable Solid/Combustible 5—Class 5—Organic 6—Class 6—Poison. 7—Class 7—Radioactive. 8—Class 8—Corrosives. 9—Class 9—Dangerous (Other). i—Poisonous Inhalation Hazard (PIH).	A—ALL NRHM Hazardous Materials. B—Class 1—Explosives. I—Poisonous Inhalation Hazard (PIH). P—*Preferred Route* Class 7—Radioactive.

Revisions to the National Hazardous Materials Route Registry (March 31, 2021)

TABLE 2—CALIFORNIA/IOWA—DESIGNATED NRHM ROUTES

Designation date	Route order	Route description	Designation(s) (A,B, I,P)	FMCSA QA comment
04/16/92	A3A–3.0	Interstate 8 from Arizona to Interstate 805 [San Diego].		
07/18/88	A1	Interstate 880 from Nebraska to Interstate 80 [Use I–880 and I–80 in lieu of I–29 in the Council Bluffs area when heading north/south per 49 CFR 397.103(b). Use I–880 in lieu of I–80 in the Council Bluffs area when heading east/west per IA–NE coordination].	P	
07/18/88	A2A	Interstate 29 from Missouri to Interstate 80 [I–80 and I–880 are used in lieu of I–29 in the Council Bluffs area when heading North/South per 49 CFR 397.103(b)].	P	
07/18/88	A2B	Interstate 80 from Interstate 29 to Illinois [Use I–280 or I–80 in the Quad Cities. Use I–80 in lieu of I–235 in the Des Moines area. Use I–880 in lieu of I–80 in the Council Bluffs area per IA–NE coordination when heading east/west. Use I–80 and I–880 in the Council Bluffs area in lieu of I–29 when heading north/south].	P	

TABLE 2—CALIFORNIA/IOWA—DESIGNATED NRHM ROUTES—Continued

Designation date	Route order	Route description	Designation(s) (A,B, I,P)	FMCSA QA comment
07/18/88	A3A–1.0	Interstate 880 from Interstate 80 to Interstate 29 [Used in lieu of I–29 in the Council Bluffs area per 49 CFR 397.103(b)].	P	
07/18/88	A3B–2.0	Interstate 35 from Minnesota to Missouri [Stay on I–35/I–80 in lieu of I–235 in the Des Moines area per 49 CFR 397.103(b)].	P	
07/18/88	A3B–3.0	Interstate 280 from Interstate 80 to Illinois [Use I–280 or I–80 in the Quad Cities area.].	P	
07/18/88	A4B–1.0	Interstate 29 from Nebraska to Interstate 880 [I–80 and I–880 are used in lieu of I–29 in the Council Bluffs area when heading North/South per 49 CFR 397.103(b)].	P	
		End of Revisions to the National Hazardous Materials Route Registry.		

Meera Joshi,

Deputy Administrator.

[FR Doc. 2021–12805 Filed 6–16–21; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2013–0123; FMCSA–2013–0124; FMCSA–2013–0125; FMCSA–2014–0102; FMCSA–2014–0104; FMCSA–2014–0106; FMCSA–2014–0107; FMCSA–2014–0383; FMCSA–2015–0326; FMCSA–2017–0058; FMCSA–2018–0137; FMCSA–2018–0138]

Qualification of Drivers; Exemption Applications; Hearing

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew exemptions for 28 individuals from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these hard of hearing and deaf individuals to continue to operate CMVs in interstate commerce.

DATES: The exemptions were applicable on June 17, 2021. The exemptions expire on June 17, 2023. Comments must be received on or before July 19, 2021.

ADDRESSES: You may submit comments identified by the Federal Docket Management System (FDMS) Docket No. FMCSA–2013–0123, Docket No. FMCSA–2013–0124, Docket No. FMCSA–2013–0125, Docket No. FMCSA–2014–0102, Docket No. FMCSA–2014–0104, Docket No. FMCSA–2014–0106, Docket No. FMCSA–2014–0107, Docket No. FMCSA–2014–0383, Docket No. FMCSA–2015–0326, Docket No. FMCSA–2017–0058, Docket No. FMCSA–2018–0137, or Docket No. FMCSA–2018–0138 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *www.regulations.gov/,* insert the docket number, FMCSA–2013–0123, FMCSA–2013–0124, FMCSA–2013–0125, FMCSA–2014–0102, FMCSA–2014–0104, FMCSA–2014–0106, FMCSA–2014–0107, FMCSA–2014–0383, FMCSA–2015–0326, FMCSA–2017–0058, FMCSA–2018–0137, or FMCSA–2018–0138 in the keyword box, and click ''Search.'' Next, sort the results by ''Posted (Newer-Older),'' choose the first notice listed, and click on the ''Comment'' button. Follow the online instructions for submitting comments.
- *Mail:* Dockets Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal Holidays.
- *Fax:* (202) 493–2251.

To avoid duplication, please use only one of these four methods. See the ''Public Participation'' portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, DOT, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (Docket No. FMCSA–2013–0123, Docket No. FMCSA–2013–0124, Docket No. FMCSA–2013–0125, Docket No. FMCSA–2014–0102, Docket No. FMCSA–2014–0104, Docket No. FMCSA–2014–0106, Docket No. FMCSA–2014–0107, Docket No. FMCSA–2014–0383, Docket No. FMCSA–2015–0326, Docket No. FMCSA–2017–0058, Docket No. FMCSA–2018–0137, or Docket No. FMCSA–2018–0138), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *www.regulations.gov/,* insert the docket number, FMCSA–2013–0123, FMCSA–2013–0124, FMCSA–2013–0125, FMCSA–2014–0102, FMCSA–2014–0104, FMCSA–2014–0106, FMCSA–2014–0107, FMCSA–2014–0383, FMCSA–2015–0326, FMCSA–2017–0058, FMCSA–2018–0137, or FMCSA–2018–0138 in the keyword box, and click ''Search.'' Next, sort the results by ''Posted (Newer-Older),'' choose the first notice listed, click the ''Comment'' button, and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit

comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

FMCSA will consider all comments and material received during the comment period.

B. Viewing Comments

To view comments go to *www.regulations.gov.* Insert the docket number, FMCSA–2013–0123, FMCSA–2013–0124, FMCSA–2013–0125, FMCSA–2014–0102, FMCSA–2014–0104, FMCSA–2014–0106, FMCSA–2014–0107, FMCSA–2014–0383, FMCSA–2015–0326, FMCSA–2017–0058, FMCSA–2018–0137, or FMCSA–2018–0138 in the keyword box, and click ''Search.'' Next, sort the results by ''Posted (Newer-Older),'' choose the first notice listed, and click ''Browse Comments.'' If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.transportation.gov/privacy.*

II. Background

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the FMCSRs for no longer than a 5-year period if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. The statute also allows the Agency to renew exemptions at the end of the 5-year period. FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification.

The physical qualification standard for drivers regarding hearing found in 49 CFR 391.41(b)(11) states that a person is physically qualified to drive a CMV if that person first perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5—1951.

This standard was adopted in 1970 and was revised in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid, 35 FR 6458, 6463 (April 22, 1970) and 36 FR 12857 (July 3, 1971).

The 28 individuals listed in this notice have requested renewal of their exemptions from the hearing standard in § 391.41(b)(11), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable 2-year period.

III. Request for Comments

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b), FMCSA will take immediate steps to revoke the exemption of a driver.

IV. Basis for Renewing Exemptions

In accordance with 49 U.S.C. 31136(e) and 31315(b), each of the 28 applicants has satisfied the renewal conditions for obtaining an exemption from the hearing requirement. The 28 drivers in this notice remain in good standing with the Agency. In addition, for Commercial Driver's License (CDL) holders, the Commercial Driver's License Information System and the Motor Carrier Management Information System are searched for crash and violation data. For non-CDL holders, the Agency reviews the driving records from the State Driver's Licensing Agency. These factors provide an adequate basis for predicting each driver's ability to continue to safely operate a CMV in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each of these drivers for a period of 2 years is likely to achieve a level of safety equal to that existing without the exemption.

As of June 17, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following 28 individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers:

Selwyn Abrahamson (MN)
Kevin Ballard (TX)
Robert M. Benner (OH)
Courtney Bertling (OR)
Tonya Bland (PA)
Conley Bowling (KY)
Shawn Carico (TN)
Thomas M. Carr (PA)
Jason M. Clark (MO)
Herbert Crowe (MO)
Byron Davis (TX)
Mark Dickson (TX)
Jacob Gadreault (MA)
Timothy Gallagher (PA)
David Garland (ME)
Lane Grover (IN)
Gregory Hill (MS)
Thomas Lipyanic (FL)
Billie Jo Martinez (TX)
Jonathan A. Muhm (CA)
Charles Pitt (AL)
David Shores (NC)
Sandy Sloat (TX)
Kirk Soneson (OH)
James Thomason (MO)
Ramarr Wadley (PA)
Jeffrey Webber (OK)
Richard Whittaker (FL)

The drivers were included in docket number FMCSA–2013–0123, FMCSA–2013–0124, FMCSA–2013–0125, FMCSA–2014–0102, FMCSA–2014–0104, FMCSA–2014–0106, FMCSA–2014–0107, FMCSA–2014–0383, FMCSA–2015–0326, FMCSA–2017–0058, FMCSA–2018–0137, or FMCSA–2018–0138. Their exemptions are applicable as of June 17, 2021 and will expire on June 17, 2023.

V. Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) Each driver must report any crashes or accidents as defined in § 390.5; and (2) report all citations and convictions for disqualifying offenses under 49 CFR 383 and 49 CFR 391 to FMCSA; and (3) each driver prohibited from operating a motorcoach or bus with passengers in interstate commerce. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. In addition, the exemption does not exempt the individual from meeting the applicable CDL testing requirements. Each exemption will be valid for 2 years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the

exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VII. Conclusion

Based upon its evaluation of the 28 exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the hearing requirement in § 391.41(b)(11). In accordance with 49 U.S.C. 31136(e) and 31315(b), each exemption will be valid for 2 years unless revoked earlier by FMCSA.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2021–12809 Filed 6–16–21; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2021–0114]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: REEL BLUE (Motor Vessel); Invitation for Public Comments

AGENCY: Maritime Administration, Transportation (DOT).

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before July 19, 2021.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2021–0114 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*. Search MARAD–2021–0114 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2021–0114, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov*.

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel REEL BLUE is:

—*Intended Commercial Use of Vessel:* ''Sightseeing tours, wedding party transport, local fishing charters, not for resale''

—*Geographic Region Including Base of Operations:* ''South Carolina).'' (Base of Operations: Charleston, SC)

—*Vessel Length and Type:* 30′ Motor Vessel

The complete application is available for review identified in the DOT docket as MARAD 2021–0114 at *http://www.regulations.gov*. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2021–0114 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Department of Transportation, Maritime Administration, Office of Legislation and Regulations, MAR–225, W24–220, 1200 New Jersey Avenue SE, Washington, DC 20590. Include a cover letter setting forth with specificity the basis for any such claim and, if possible, a summary of your submission that can be made available to the public.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy*. To facilitate comment tracking and response, we encourage commenters to

provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

* * * * *

By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.

Secretary, Maritime Administration.

[FR Doc. 2021–12798 Filed 6–16–21; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2021–0108]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: CAMELOT (Motor Vessel); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before July 19, 2021.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2021–0108 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2021–0108 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2021–0108, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel CAMELOT is:

—*Intended Commercial Use of Vessel:* ''Camelot's intended commercial use is to provide sightseeing/harbor tours in Newport, RI for 6 passengers or less''

—*Geographic Region Including Base of Operations:* ''Rhode Island'' (Base of Operations: Newport, RI)

—*Vessel Length and Type:* 33′ Motor Vessel

The complete application is available for review identified in the DOT docket as MARAD 2021–0108 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2021–0108 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Department of Transportation, Maritime Administration, Office of Legislation and Regulations, MAR–225, W24–220, 1200 New Jersey Avenue SE, Washington, DC 20590. Include a cover letter setting forth with specificity the basis for any such claim and, if possible, a summary of your submission that can be made available to the public.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide

comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

* * * * *

By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2021–12792 Filed 6–16–21; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2021–0096]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: SCOUT (Motor Vessel); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before July 19, 2021.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2021–0096 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*. Search MARAD–2021–0096 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2021–0096, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov*.

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel SCOUT is:

—*Intended Commercial Use of Vessel:* ''The vessel will be used for passenger charters''

—*Geographic Region Including Base of Operations:* ''New York, Connecticut, Rhode Island'' (Base of Operations: Sag Harbor, NY)

—*Vessel Length and Type:* 30′ Motor Vessel

The complete application is available for review identified in the DOT docket as MARAD 2021–0096 at *http://www.regulations.gov*. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2021–0096 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Department of Transportation, Maritime Administration, Office of Legislation and Regulations, MAR–225, W24–220, 1200 New Jersey Avenue SE, Washington, DC 20590. Include a cover letter setting forth with specificity the basis for any such claim and, if possible, a summary of your submission that can be made available to the public.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy*. To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121.

By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2021–12779 Filed 6–16–21; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2021–0110]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: DOUBLE HONEY (Motor Vessel); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before July 19, 2021.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2021–0110 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2021–0110 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2021–0110, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov*.

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel DOUBLE HONEY is:

—Intended Commercial Use of Vessel: ''Private passenger vessel charters (day trips and overnight charters) in the harbor and along the coast''

—*Geographic Region Including Base of Operations:* ''South Carolina, Georgia, and Florida (U.S. east coast and west coast of Florida).'' (Base of Operations: Charleston, SC)

—*Vessel Length and Type:* 43.5′ Motor Vessel

The complete application is available for review identified in the DOT docket as MARAD 2021–0110 at *http://www.regulations.gov*. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2021–0110 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Department of Transportation, Maritime Administration, Office of Legislation and Regulations, MAR–225, W24–220, 1200 New Jersey Avenue SE, Washington, DC 20590. Include a cover letter setting forth with specificity the basis for any such claim and, if possible, a summary of your submission that can be made available to the public.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy*. To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121.

* * * * *

By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2021–12794 Filed 6–16–21; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2021–0102]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: NO REGRETS (Motor Vessel); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before July 19, 2021.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2021–0102 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2021–0102 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2021–0102, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel NO REGRETS is:

—*Intended Commercial Use of Vessel:* ''Private yacht charters, passengers only''

—*Geographic Region Including Base of Operations*: ''California''. (Base of Operations: Newport Beach, CA)

—*Vessel Length and Type:* 58′ Motor Vessel

The complete application is available for review identified in the DOT docket as MARAD 2021–0102 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2021–0102 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Department of Transportation, Maritime Administration, Office of Legislation and Regulations, MAR–225, W24–220, 1200 New Jersey Avenue SE, Washington, DC 20590. Include a cover letter setting forth with specificity the basis for any such claim and, if possible, a summary of your submission that can be made available to the public.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121.

* * * * *

By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2021–12784 Filed 6–16–21; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2021–0118]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: LINDA LINDA (Motor Vessel); Invitation for Public Comments

AGENCY: Maritime Administration, Transportation (DOT).

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before July 19, 2021.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2021–0118 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*. Search MARAD–2021–0118 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2021–0118, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov*.

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel LINDA LINDA is:

—*Intended Commercial Use of Vessel:* ''Intended for charter usage to carry passengers only''
—*Geographic Region Including Base of Operations:* ''California'' (Base of Operations: Marina del Rey, CA)
—*Vessel Length and Type:* 67.1′ Motor Vessel

The complete application is available for review identified in the DOT docket as MARAD 2021–0118 at *http://www.regulations.gov*. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2021–0118 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Department of Transportation, Maritime Administration, Office of Legislation and Regulations, MAR–225, W24–220, 1200 New Jersey Avenue SE, Washington, DC 20590. Include a cover letter setting forth with specificity the basis for any such claim and, if possible, a summary of your submission that can be made available to the public.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy*. To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

* * * * *

By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2021–12799 Filed 6–16–21; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2021–0111]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: MIA & MAUI JIM (Motor Vessel); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before July 19, 2021.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2021–0111 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2021–0111 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2021–0111, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel MIA & MAUI JIM is:

—*Intended Commercial Use of Vessel:* ''Occasional pleasure charter for up to 12 passengers restricted only to the Seattle area''

—*Geographic Region Including Base of Operations:* ''Washington'' (Base of Operations: Seattle, WA)

—*Vessel Length and Type:* 68′ Motor Vessel

The complete application is available for review identified in the DOT docket as MARAD 2021–0111 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2021–0111 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Department of Transportation, Maritime Administration, Office of Legislation and Regulations, MAR–225, W24–220, 1200 New Jersey Avenue SE, Washington, DC 20590. Include a cover letter setting forth with specificity the basis for any such claim and, if possible, a summary of your submission that can be made available to the public.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121.

* * * * *

By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2021–12795 Filed 6–16–21; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2021–0099]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: GWH (Motor Vessel/Rigid Inflatable Boat); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before July 19, 2021.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2021–0099 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2021–0099 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2021–0099, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel GWH is:

—*Intended Commercial Use of Vessel:* ''Passenger charters only''.

—*Geographic Region Including Base of Operations:* ''Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, and Florida.'' (Base of Operations: Edgartown, MA)

—*Vessel Length and Type:* 42.7′ Motor Vessel/Rigid Inflatable Boat

The complete application is available for review identified in the DOT docket as MARAD 2021–0099 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2021–0099 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Department of Transportation, Maritime Administration, Office of Legislation and Regulations, MAR–225, W24–220, 1200 New Jersey Avenue SE, Washington, DC 20590. Include a cover letter setting forth with specificity the basis for any such claim and, if possible, a summary of your submission that can be made available to the public.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

* * * * *

By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2021–12781 Filed 6–16–21; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2021–0098]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: BEST DAY EVER (Sailboat); Invitation for Public Comments

AGENCY: Maritime Administration, Transportation (DOT).

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before July 19, 2021.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2021–0098 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2021–0098 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2021–0098, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel BEST DAY EVER is:

—*Intended Commercial Use of Vessel:* ''Day Sail Charters''
—*Geographic Region Including Base of Operations:* ''Washington'' (Base of Operations: Port Townsend, WA)
—*Vessel Length and Type:* 25.9′ Sailboat

The complete application is available for review identified in the DOT docket as MARAD 2021–0098 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2021–0098 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Department of Transportation, Maritime Administration, Office of Legislation and Regulations, MAR–225, W24–220, 1200 New Jersey Avenue SE, Washington, DC 20590. Include a cover letter setting forth with specificity the basis for any such claim and, if possible, a summary of your submission that can be made available to the public.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

* * * * *

By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2021–12780 Filed 6–16–21; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2021–0107]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: ANOTHER DAY 2 (Motor Vessel); Invitation for Public Comments

AGENCY: Maritime Administration, Transportation (DOT).

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before July 19, 2021.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2021–0107 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2021–0107 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2021–0107, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel ANOTHER DAY 2 is:

—*Intended Commercial Use of Vessel:* ''Coastwise uninspected passenger vessel''

—*Geographic Region Including Base of Operations:* ''Florida'' (Base of Operations: Tampa, FL)

—*Vessel Length and Type:* 80.6′ Motor Vessel

The complete application is available for review identified in the DOT docket as MARAD 2021–0107 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2021–0107 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Department of Transportation, Maritime Administration, Office of Legislation and Regulations, MAR–225, W24–220, 1200 New Jersey Avenue SE, Washington, DC 20590. Include a cover letter setting forth with specificity the basis for any such claim and, if possible, a summary of your submission that can be made available to the public.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

* * * * *

By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2021–12791 Filed 6–16–21; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2021–0105]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: SEA MIAMI (Motor Vessel); Invitation for Public Comments

AGENCY: Maritime Administration, Transportation (DOT).

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before July 19, 2021.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2021–0105 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2021–0105 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2021–0105, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel SEA MIAMI is:

—*Intended Commercial Use of Vessel:* ''Recreational charters''
—*Geographic Region Including Base of Operations:* ''Florida''. (Base of Operations: Miami, FL)
—Vessel Length and Type: 62.3′ Motor Vessel

The complete application is available for review identified in the DOT docket as MARAD 2021–0105 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2021–0105 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Department of Transportation, Maritime Administration, Office of Legislation and Regulations, MAR–225, W24–220, 1200 New Jersey Avenue SE, Washington, DC 20590. Include a cover letter setting forth with specificity the basis for any such claim and, if possible, a summary of your submission that can be made available to the public.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

* * * * *

By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2021–12789 Filed 6–16–21; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2021–0101]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: MARY VIRGINIA (Motor Vessel); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before July 19, 2021.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2021–0101 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2021–0101 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2021–0101, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel MARY VIRGINIA is:

—*Intended Commercial Use of Vessel:* ''To transport up to six passengers on pleasure cruises in and around St. Mary's, GA, on inland and coastal waters on customized schedules as requested by guests''

—*Geographic Region Including Base of Operations:* ''Georgia and Florida''. (Base of Operations: St. Mary's, GA)

—*Vessel Length and Type:* 47′ Motor Vessel

The complete application is available for review identified in the DOT docket as MARAD 2021–0101 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2021–0101 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Department of Transportation, Maritime Administration, Office of Legislation and Regulations, MAR–225, W24–220, 1200 New Jersey Avenue SE, Washington, DC 20590. Include a cover letter setting forth with specificity the basis for any such claim and, if possible, a summary of your submission that can be made available to the public.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121.

* * * * *

By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2021–12783 Filed 6–16–21; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2021–0100]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: SEA-BATTICAL (Motor Vessel); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before July 19, 2021.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2021–0100 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2021–0100 and follow the instructions for submitting comments.
- *Mail or Hand Delivery*: Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2021–0100, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel SEA-BATTICAL is:

—*Intended Commercial Use of Vessel:* ''Natural history and photo trips''

—*Geographic Region Including Base of Operations:* ''Southeast Alaska and Washington''. (Base of Operations: Seattle, WA)

—*Vessel Length and Type:* 60′ Motor Vessel

The complete application is available for review identified in the DOT docket as MARAD 2021–0100 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2021–0100 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Department of Transportation, Maritime Administration, Office of Legislation and Regulations, MAR–225, W24–220, 1200 New Jersey Avenue SE, Washington, DC 20590. Include a cover letter setting forth with specificity the basis for any such claim and, if possible, a summary of your submission that can be made available to the public.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121.

* * * * *

By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2021–12782 Filed 6–16–21; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2021–0103]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: PNINA (Sailboat); Invitation for Public Comments

AGENCY: Maritime Administration, Transportation (DOT).

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before July 19, 2021.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2021–0103 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2021–0103 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2021–0103, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel PNINA is:

—*Intended Commercial Use of Vessel*: ''Sailing charter for up to 6 passengers. Coastal cruise to the neighboring state, harbor see sighting, eco tourism tours''

—*Geographic Region Including Base of Operations:* ''Massachusetts, Maine, New Hampshire, Connecticut, Rhode Island''. (Base of Operations: Boston, MA)

—*Vessel Length and Type:* 35′ Sailboat

The complete application is available for review identified in the DOT docket as MARAD 2021–0103 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2021–0103 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Department of Transportation, Maritime Administration, Office of Legislation and Regulations, MAR–225, W24–220, 1200 New Jersey Avenue SE, Washington, DC 20590. Include a cover letter setting forth with specificity the basis for any such claim and, if possible, a summary of your submission that can be made available to the public.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

* * * * *

By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2021–12787 Filed 6–16–21; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2021–0104]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: RAMBLIN' ROSE (Catamaran); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before July 19, 2021.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2021–0104 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2021–0104 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2021–0104, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel RAMBLIN' ROSE is:

—*Intended Commercial Use of Vessel:* ''Private vessel charters, passengers only''

—*Geographic Region Including Base of Operations:* ''Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York (excluding waters in New York Harbor), New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, California, Oregon, Washington, and Alaska (excluding waters in Southeastern Alaska)''. (Base of Operations: Coronado, CA)

—*Vessel Length and Type:* 39.3′ Catamaran

The complete application is available for review identified in the DOT docket as MARAD 2021–0104 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2021–0104 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Department of Transportation, Maritime Administration, Office of Legislation and Regulations, MAR–225, W24–220, 1200 New Jersey Avenue SE, Washington, DC 20590. Include a cover letter setting forth with specificity the basis for any such claim and, if possible, a summary of your submission that can be made available to the public.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2021–12788 Filed 6–16–21; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2021–0109]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: DARK HORSE (Motor Vessel); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before July 19, 2021.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2021–0109 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2021–0109 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2021–0109, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel DARK HORSE is:

—*Intended Commercial Use of Vessel:* ''Occasional charters''

—*Geographic Region Including Base of Operations:* ''New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, and Florida.'' (Base of Operations: Swansboro, NC)

—*Vessel Length and Type:* 77.4′ Motor Vessel

The complete application is available for review identified in the DOT docket as MARAD 2021–0109 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2021–0109 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Department of Transportation, Maritime Administration, Office of Legislation and Regulations, MAR–225, W24–220, 1200 New Jersey Avenue SE, Washington, DC 20590. Include a cover letter setting forth with specificity the basis for any such claim and, if possible, a summary of your submission that can be made available to the public.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121.

* * * * *

By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2021–12793 Filed 6–16–21; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2021–0113]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: PORTOFINO (Motor Vessel); Invitation for Public Comments

AGENCY: Maritime Administration, Transportation (DOT).

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before July 19, 2021.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2021–0113 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2021–0113 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2021–0113, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel PORTOFINO is:

—*Intended Commercial Use of Vessel:* ''Private charters including multi-day excursions and single-day sightseeing cruises''

—*Geographic Region Including Base of Operations:* ''Washington, Oregon, California'' (Base of Operations: Bainbridge Island, WA)

—*Vessel Length and Type:* 42′ Motor Vessel

The complete application is available for review identified in the DOT docket as MARAD 2021–0113 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2021–0113 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Department of Transportation, Maritime Administration, Office of Legislation and Regulations, MAR–225, W24–220, 1200 New Jersey Avenue SE, Washington, DC 20590. Include a cover letter setting forth with specificity the basis for any such claim and, if possible, a summary of your submission that can be made available to the public.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

* * * * *

By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2021–12797 Filed 6–16–21; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2021–0112]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: PALE HORSE (Motor Vessel); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before July 19, 2021.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2021–0112 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–X2021–0112 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2021–0112, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel PALE HORSE is:

—*Intended Commercial Use of Vessel:* ''Charter Fishing''
—*Geographic Region Including Base of Operations:* ''Rhode Island'' (Base of Operations: Portsmouth, RI)
—*Vessel Length and Type:* 34′ Motor Vessel

The complete application is available for review identified in the DOT docket as MARAD 2021–0112 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2021–0112 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Department of Transportation, Maritime Administration, Office of Legislation and Regulations, MAR–225, W24–220, 1200 New Jersey Avenue SE, Washington, DC 20590. Include a cover letter setting forth with specificity the basis for any such claim and, if possible, a summary of your submission that can be made available to the public.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

* * * * *

By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2021–12796 Filed 6–16–21; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2021–0106]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: ADOFRI (Catamaran); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before July 19, 2021.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2021–0106 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2021–0106 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2021–0106, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel ADOFRI is:

—*Intended Commercial Use of Vessel:* ''Day charters of not more than 12 passengers''
—*Geographic Region Including Base of Operations:* ''Texas, Louisiana, Alabama, Florida'' (Base of Operations: Kemah, TX)
—*Vessel Length and Type:* 44′ Catamaran

The complete application is available for review identified in the DOT docket as MARAD 2021–0106 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2021–0106 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Department of Transportation, Maritime Administration, Office of Legislation and Regulations, MAR–225, W24–220, 1200 New Jersey Avenue SE, Washington, DC 20590. Include a cover letter setting forth with specificity the basis for any such claim and, if possible, a summary of your submission that can be made available to the public.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121.

* * * * *

By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2021–12790 Filed 6–16–21; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket No. FAA–2021–0491]

Privacy Act of 1974; System of Records

AGENCY: Office of the Departmental Chief Information Office, Office of the Secretary of Transportation, DOT.

ACTION: Rescindment of a system of records notice.

SUMMARY: The Federal Aviation Administration proposes to rescind the Department of Transportation system of records titled, ''Department of Transportation/Federal Aviation

Administration (DOT/FAA) 851 *Administration and Compliance Tracking in an Integrated Office Network* System of Records''.

DATES: Applicable date: June 17, 2021.

ADDRESSES: You may submit comments, identified by docket number FAA–2021–0491 by any of the following methods:

- *Federal e-Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Ave. SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Ave. SE, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal Holidays.
- *Fax:* (202) 493–2251. Instructions: You must include the agency name and docket number FAA–2021–0491. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Privacy Act: Anyone is able to search the electronic form of all comments received in any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* or to the street address listed above. Follow the online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT: For general questions, please contact: Barbara Stance, FAA Chief Privacy Officer, 202.267.1403, Federal Aviation Administration, 950 L'Enfant Plaza SW, Washington, DC 20024. For privacy issues, please contact: Karyn Gorman, Acting Departmental Chief Privacy Officer, Privacy Office, Department of Transportation, Washington, DC 20590; *privacy@dot.gov;* or 202.527.3284.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, the Department of Transportation (DOT)/Federal Aviation Administration (FAA) proposes to rescind DOT system of records titled, ''Department of Transportation/Federal Aviation Administration (DOT/FAA) 851 *Administration and Compliance Tracking in an Integrated Office Network* System of Records,'' 65 FR 19529 (April 11, 2000). This system of records was established to support the information resource, reporting and archival needs of the Drug Abatement Division. The categories of records included name, company and phone numbers of program managers in the daily operation of drug and alcohol testing programs for aviation companies. The authority for maintenance of the system was the Omnibus Transportation Employee Testing Act of 1991 (49 U.S.C. 45101–45106), 14 CFR part 61, et al. A biennial review of FAA systems of records determined that DOT/FAA 851 records and routine uses were subsumed into the DOT/FAA 847 *Aviation Records on Individuals,* 75 FR 68849 November 9, 2010). Consequently, rescinding SORN 851 will have no adverse impact on individuals. Rescindment will promote the overall streamlining and management of DOT Privacy Act systems of records.

SYSTEM NAME AND NUMBER:

Department of Transportation/Federal Aviation Administration (DOT/FAA) 851 Administration and Compliance Tracking in an Integrated Office Network.

HISTORY:

A full notice of this system of records, DOT/FAA 851 Administration and Compliance Tracking in an Integrated Office Network was published in the **Federal Register** on April 11, 2000, at 65 FR 19529.

Issued in Washington, DC, on June 17, 2021.

Karyn Gorman,

Acting, Departmental Chief Privacy Officer.

[FR Doc. 2021–12661 Filed 6–16–21; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0061]

Agency Information Collection Activity Under OMB Review: Request and Authorization for Supplies (Chapter 31—Veteran Readiness and Employment)

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden, and it includes the actual data collection instrument.

DATES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Refer to ''OMB Control No. 2900–0061.''

FOR FURTHER INFORMATION CONTACT: Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 1717 H Street NW, Washington, DC 20006, (202) 266–4688 or email *maribel.aponte@va.gov.* Please refer to ''OMB Control No. 2900–0061'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 38 United States Code (U.S.C.) 3104(a)(7).

Title: Request and Authorization for Supplies (Chapter 31—Veteran Readiness and Employment), VA Form 28–1905m.

OMB Control Number: 2900–0061.

Type of Review: Reinstatement without change of a previously approved collection.

Abstract: A claimant uses VA Form 28–1905m, Request and Authorization for Supplies (Chapter 31—Veteran Readiness and Employment), to request supplies or equipment be provided as part of a rehabilitation program under 38 U.S.C. Chapter 31. The training facility the claimant attends, or the employer for whom the claimant works, may also need to complete the form when the facility or employer requires specific types of supplies or equipment under 38 U.S.C. 3104(a)(7). The Veteran Readiness and Employment (VR&E) program subsequently uses the information on this form to approve the purchase of appropriate supplies and equipment for claimants.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on April 8, 2021 on page 18,376:

Affected Public: Individuals or Households.

Estimated Annual Burden: 14,000

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 28,000.

By direction of the Secretary.

Maribel Aponte,

VA PRA Clearance Officer, Office of Enterprise and Integration, Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2021–12800 Filed 6–16–21; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0885]

Agency Information Collection Activity: Veteran Rapid Retraining Assistance Program (VRRAP) Approval

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administration, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each revision of a previously approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before August 16, 2021.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0885'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 1717 H Street NW, Washington, DC 20006, (202) 266–4688 or email *maribel.aponte@va.gov.* Please refer to ''OMB Control No. 2900–0885'' in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the revision of a previously approved collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the revision of a previously approved collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: Public Law 117–2 Section 8006 (HR 1319).

Title: Veteran Rapid Retraining Assistance Program (VRRAP) Approval.

OMB Control Number: 2900–0885.

Type of Review: Revision of a previously approved collection.

Abstract: VA Form 22–1990S will allow Veterans to apply for VRRAP benefits.

VA Form 22–10271 will allow current GI Bill educational institutions and VET TEC training providers to volunteer to participate in the VRRAP program by acknowledging that they understand and agree to the unique payment structure of VRRAP. The information collection will also allow them to list the programs they seek to have participate in VRRAP. VA employees will utilize the information provided by the applicant and the institutions, along with information residing in existing VA Information Technology systems, in order to make a determination as to whether or not the applicant meets the definition of an eligible Veteran and whether or not the program qualifies as specified in statute. Also, the information provided will be utilized to pay the institutions as agreed.

Affected Public: Individuals and households.

Estimated Annual Burden: 3,250 hours.

Estimated Average Burden per Respondent: 25 minutes.

Frequency of Response: Once.

Estimated Number of Respondents: 18,750.

By direction of the Secretary.

Maribel Aponte,

VA PRA Clearance Officer, Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2021–12721 Filed 6–16–21; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 86 Thursday,
No. 115 June 17, 2021

Part II

Department of Energy

10 CFR Part 431
Energy Conservation Program: Test Procedures for Certain Commercial and Industrial Equipment; Early Assessment Review: Walk-In Coolers and Freezers; Proposed Rule

DEPARTMENT OF ENERGY

10 CFR Part 431

[EERE–2017–BT–TP–0010]

RIN 1904–AD78

Energy Conservation Program: Test Procedures for Certain Commercial and Industrial Equipment; Early Assessment Review: Walk-In Coolers and Freezers

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 an early assessment review to determine whether amendments are warranted for the test procedures for walk-in coolers and walk-in freezers (''WICFs'' or ''walk-ins''). DOE has identified certain issues associated with the currently applicable test procedures on which DOE is interested in receiving comment. The issues outlined in this document address definitions and equipment classes of walk-in components, test procedure waivers received, and other test procedure issues related to walk-in doors, panels, and refrigeration systems. DOE welcomes written comments from the public on any subject within the scope of this document, including topics not raised in this request for information (''RFI'').

DATES: Written comments and information are requested and will be accepted on or before July 19, 2021.

ADDRESSES: Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at *https://www.regulations.gov.* Follow the instructions for submitting comments. Alternatively, interested persons may submit comments by email to the following address: *WICF2017TP0010@ee.doe.gov.* Include docket number EERE–2017–BT–TP–0010 and/or RIN number 1904–AD78 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. No telefacsimiles (faxes) will be accepted. For detailed instructions on submitting comments and additional information on the rulemaking process, see section III (Submission of Comments) 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 accepting only electronic submissions at this time. 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 *https://www.regulations.gov.* All documents in the docket are listed in the *https://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/#!docketDetail;D=EERE-2017-BT-TP-0010.* The docket web page contains instructions on how to access all documents, including public comments, in the docket. See section III of this document for information on how to submit comments through *https://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. 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

DOE established an early assessment review process to conduct a more focused analysis that would allow DOE to determine, based on statutory criteria, whether an amended test procedure is warranted. 10 CFR 431.4; 10 CFR part 430 subpart C appendix A section 8(a). This RFI requests information and data regarding whether an amended test procedure would more accurately and fully comply with the requirement that the test procedure produce results that measure energy use during a representative average use cycle for the equipment, and not be unduly burdensome to conduct. To inform interested parties and to facilitate this process, DOE has identified several issues associated with the currently applicable test procedures on which DOE is interested in receiving comment. Based on the information received in response to the RFI and DOE's own analysis, DOE will determine whether to proceed with a rulemaking for an amended test procedure.

If DOE makes an initial determination that an amended test procedure would

more accurately or fully comply with statutory requirements, or DOE's analysis is inconclusive as to whether amendments are warranted, DOE would undertake a rulemaking to issue an amended test procedure. If DOE makes an initial determination based upon available evidence that an amended test procedure would not meet the applicable statutory criteria, DOE would engage in notice and comment rulemaking before issuing a final determination that an amended test procedure is not warranted.

A. Authority

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 [2] of EPCA, added by Public Law 95–619, Title IV, section 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 energy efficiency. This equipment includes walk-in coolers and freezers (collectively, ''walk-ins'' or ''WICFs''), the subject of this document. (42 U.S.C. 6311(1)(G))

Under EPCA, DOE's energy conservation program consists essentially of four parts: (1) Testing, (2) labeling, (3) Federal energy conservation standards (''ECS''), 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 (b); 42 U.S.C. 6297) DOE may, however, grant waivers of Federal preemption in limited instances for particular State laws or regulations, in accordance with the procedures and other provisions set forth under 42 U.S.C. 6316(b)(2)(D).

EPCA also requires that, at least once every 7 years, DOE evaluate test procedures for each type of covered equipment, including walk-in coolers and freezers, 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. (42 U.S.C. 6314(a)(1)) DOE is publishing this RFI to collect data and information to inform its decision to satisfy the 7-year-lookback review requirement.

B. Rulemaking History

DOE has established test procedures to measure walk-in energy use, establishing separate test procedures for the principal components that make up a walk-in (*i.e.,* doors, panels, and refrigeration systems) with separate test metrics for each component. 10 CFR 431.304(b). For walk-in doors and display panels, the efficiency metric is daily energy consumption, measured in kilowatt-hours per day (''kWh/day''), which accounts for the thermal conduction through the door or display panel and the direct and indirect electricity use of any electrical components associated with the door. 10 CFR 431.304(b)(1)–(2) and 10 CFR part 431, subpart R, appendix A, ''Uniform Test Method for the Measurement of Energy Consumption of the Components of Envelopes of Walk-In Coolers and Walk-In Freezers'' (''Appendix A'').

For walk-in non-display panels and non-display doors, DOE codified in the Code of Federal Regulations (''CFR'') prescriptive standards established in EPCA based on R-value, expressed in units of (h-ft^2-°F/Btu),[3] which is calculated as 1/K multiplied by the thickness of the panel.[4] 10 CFR 431.304(b)(3) and 10 CFR part 431 subpart R, appendix B, titled ''Uniform Test Method for the Measurement of R-Value for Envelope Components of Walk-In Coolers and Walk-In Freezers'' (''Appendix B''). (See also, 42 U.S.C. 6314(a)(9)(A)) The K factor is calculated based on American Society for Testing and Materials (''ASTM'') C518, ''Standard Test Method for Steady-State Thermal Transmission Properties by Means of the Heat Flow Meter Apparatus'' (''ASTM C518''), which is incorporated by reference. *Id.*

For walk-in refrigeration systems, the efficiency metric is Annual Walk-in Energy Factor (''AWEF''), which is determined by conducting the test procedure set forth in American National Standards Institute (''ANSI'')/ Air-Conditioning, Heating, and Refrigeration Institute (''AHRI'') Standard 1250P (I–P), ''2009 Standard for Performance Rating of Walk-In Coolers and Freezers,'' (''AHRI 1250–2009''), with certain adjustments specified in the CFR. 10 CFR 431.304(b)(4) and 10 CFR part 431 subpart R, appendix C, ''Uniform Test Method for the Measurement of Net Capacity and AWEF of Walk-In Cooler and Walk-In Freezer Refrigeration Systems'' (''Appendix C''). A manufacturer may also determine AWEF using an alternative efficiency determination method (''AEDM''). 10 CFR 429.53(a)(2)(iii). An AEDM enables a manufacturer to utilize computer-based or mathematical models for purposes of determining an equipment's energy use or energy efficiency performance in lieu of testing, provided certain prerequisites have been met. 10 CFR 429.70(f).

On August 5, 2015, DOE published its intention to establish a Working Group under the Appliance Standards and Rulemaking Federal Advisory Committee (''ASRAC'') to negotiate energy conservation standards to replace the standards established in the final rule published on June 3, 2014 (''June 2014 ECS final rule''). 80 FR 46521 (August 5, 2015). The Working Group assembled its recommendations into a Term Sheet [5] (Docket EERE–2015–BT–STD–0016, No. 56) that was presented to, and approved by, ASRAC on December 18, 2015 (''Term Sheet'').

The Term Sheet provided recommendations for energy conservation standards to replace standards that had been vacated by the United States Court of Appeals for the Fifth Circuit in a controlling order issued August 10, 2015. It also included recommendations regarding definitions for a number of terms related to the WICF regulations, as well as recommendations to amend the test procedure that the Working Group viewed as necessary to properly implement the energy conservation standards recommendations. Consequently, DOE initiated both an energy conservation standards rulemaking and a test procedure rulemaking in 2016 to implement these

[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.

[3] The R-value is the capacity of an insulated material to resist heat-flow. See 42 U.S.C. 6313(f)(1)(C) for the EPCA R-value requirements for non-display panels and doors.

[4] The K factor represents the thermal conductivity of a material, or its ability to conduct heat, in units of Btu-in/(h-ft^2-°F).

[5] Appliance Standards and Rulemaking Federal Advisory Committee Refrigeration Systems Walk-in Coolers and Freezers Term Sheet, available at *https://www.regulations.gov/document?D=EERE-2015-BT-STD-0016-0056.*

recommendations. The Term Sheet also included recommendations for future amendments to the test procedure intended to make DOE's test procedure more fully representative of walk-in energy use.

On December 28, 2016, DOE published a final rule amending the test procedure (''December 2016 TP final rule''), consistent with the Term Sheet recommendations and provisions to facilitate implementation of energy conservation standards for walk-in components. 81 FR 95758. Subsequently, on July 10, 2017, DOE published a final rule amending the energy conservation standards for WICF refrigeration systems (''July 2017 ECS final rule''). 82 FR 31808.

To address Term Sheet recommendations regarding hot gas defrost, DOE published a final rule for hot gas defrost unit coolers on March 26, 2021 (''March 2021 hot gas defrost TP final rule'') that amended the test procedure to rate hot gas defrost unit coolers using modified default values for energy use and heat load contributions that would make their ratings more consistent with those of electric defrost unit coolers. 86 FR 16027.

II. Request for Information

DOE is publishing this RFI to collect data and information during the early assessment review to inform its decision, consistent with its obligations under EPCA, as to whether the Department should proceed with an amended test procedure rulemaking and if so, to assist in the development of proposed amendments. Accordingly, in the following sections, DOE has identified specific issues on which it seeks input to aid in its analysis of whether an amended test procedure for walk-in coolers and freezers 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 equipment, and not be unduly burdensome to conduct. DOE also welcomes comments on other issues relevant to its early assessment that may not specifically be identified in this document.

A. Scope and Definitions

This RFI covers equipment meeting the ''walk-in cooler and walk-in freezer'' definition codified in 10 CFR 431.302: An enclosed storage space refrigerated to temperatures (1) above 32 °F for walk-in coolers and (2) at or below 32 °F for walk-in freezers, that can be walked into, and has a total chilled storage area of less than 3,000 square feet, but excluding equipment designed and marketed exclusively for medical, scientific, or research purposes. 10 CFR 431.302. (See also 42 U.S.C. 6311(20)) In addition to the prescriptive requirements for walk-ins established by EPCA (42 U.S.C. 6313(f)(3)(A)–(D)) and codified at 10 CFR 431.306(a)–(b), DOE established performance-based energy conservation standards for doors and refrigeration systems. 10 CFR 431.306(c)–(e).

1. Walk-In Refrigeration Systems

DOE is aware of equipment that would appear to meet the walk-in definition and for which there is no current DOE test procedure or energy conservation standard. DOE indicated in a public meeting on October 22, 2014 that the WICF test procedures and standards did not apply to water-cooled condensing units or systems. (Docket EERE–2011–BT–TP–0024, No. 109[6] at p. 11) DOE notes that the EPCA definition for walk-ins makes no distinction on how the condenser is cooled. (42 U.S.C. 6311(20)(A))

The current DOE test procedure for walk-in refrigeration systems, which incorporates by reference AHRI 1250–2009, does not address how to test liquid-cooled systems. Additionally, liquid-cooled condensing units are outside the scope of the most recent version of AHRI 1250, AHRI 1250–2020. Liquid-cooled condensing units for walk-ins are readily available for a wide range of capacities and refrigerants from major walk-in refrigeration system manufacturers. (See for example, Airdyne W-series indoor units (water-cooled), and Russell (water-cooled, glycol-cooled) (see Docket No. EERE–2017–BT–TP–0010–0001, Docket No. EERE–2017–BT–TP0010–0002, and Docket No. EERE–2017–BT–TP–0010–0003).

Issue 1: DOE seeks comment on how liquid-cooled refrigeration systems are (or could be) used with respect to walk-in applications. DOE requests comment on whether it should consider establishing a test procedure for liquid-cooled refrigeration systems. If test procedures were considered for liquid-cooled refrigeration systems, DOE requests information on whether there is an industry standard or standards that should be considered.

DOE is considering modifying the current equipment class definitions for refrigeration systems, which are based on walk-in application temperature. In the June 2014 ECS final rule, DOE established equipment classes for medium- and low- temperature walk-in refrigeration systems. 79 FR 32050, 32069–32070. While the terms ''medium-temperature'' and ''low-temperature'' are not explicitly defined, the June 2014 ECS final rule, 2015 ASRAC negotiations, December 2016 TP final rule, and July 2017 ECS final rule all consistently used the term ''medium-temperature'' to refer to walk-in cooler refrigeration systems and the term ''low-temperature'' to refer to walk-in freezer refrigeration systems.

Rating conditions are 35 °F for cooler systems and −10 °F for freezer systems. DOE acknowledges that there are ''medium-temperature'' systems designed to operate between these two rating conditions, specifically between 10 °F and 32 °F. However, the EPCA definitions for walk-in freezers and walk-in coolers draws the line between them at 32 °F, thus classifying such refrigeration systems as freezer refrigeration systems. DOE is considering whether equipment definitions and requirements should be amended to address these systems, which are discussed in detail in Section II.E.7.

Finally, DOE is considering defining walk-in wine cellar refrigeration systems. These systems are typically designed to provide a cold environment at a temperature range between 45–65 °F with 50–70 percent relative humidity (''RH''), and typically are kept at 55 °F and 55 percent RH rather than the 35 °F and less than 50 percent RH test condition prescribed by the DOE test procedure. Operating a wine cellar at the 35 °F condition would adversely mechanically alter the intended performance of the system, which would include icing of the evaporator coil that could potentially damage the compressor, and would not result in an accurate representation of the performance of the cooling unit. To distinguish walk-in wine-cellar refrigeration systems from other walk-in cooler systems, DOE is considering whether to specify 45 °F as the minimum temperature at which a walk-in wine cellar refrigeration system can effectively operate. If DOE were to specify a minimum operating temperature, DOE would need to develop a definition specific for products that operate in this temperature region. Walk-in wine cellar refrigeration systems are discussed in more detail in Section II.E.2.

Issue 2: DOE seeks comment on how wine cellar refrigeration systems should be defined to best represent the conditions under which these systems

[6] Details of Executing the Test Procedures for Refrigeration Systems use in Walk-in Coolers and Freezers, available at *https://www.regulations.gov/document?D=EERE-2011-BT-TP-0024-0109.*

are designed to operate and to fully distinguish these systems from systems designed to meet safe food storage requirements. Additionally, DOE requests comment on applications other than wine cellar storage for refrigeration systems that are designed to operate at temperatures warmer than typical for coolers and for which testing at 35 °F would be representative of use. If there are such additional applications, DOE seeks information regarding the specific operating requirements (*i.e.,* temperature and humidity) for these systems.

2. Walk-In Doors

DOE is also reviewing the definitions applicable to WICF doors. DOE defines a ''door'' as an assembly installed in an opening on an interior or exterior wall that is used to allow access or close off the opening and that is movable in a sliding, pivoting, hinged, or revolving manner of movement. For walk-in coolers and walk-in freezers, a door includes the door panel, glass, framing materials, door plug, mullion, and any other elements that form the door or part of its connection to the wall. 10 CFR 431.302. DOE is interested in using language that is consistent across the walk-in door industry to define a door.

Issue 3: DOE requests comment on the current definition of ''door'' in 10 CFR 431.302. DOE seeks feedback on the terminology of door components used and whether these are consistently interpreted. DOE seeks specific feedback from manufacturers on how they use the term ''door plug'' and whether it is essential to the definition of a WICF ''door''.

DOE differentiates WICF doors by whether such doors are ''display doors'' or not display doors. A ''display door'' is defined as a door that: (1) Is designed for product display; or (2) has 75 percent or more of its surface area composed of glass or another transparent material. 10 CFR 431.302. WICF doors that are not display doors are differentiated according to whether they are ''freight doors'' or ''passage doors.'' A ''freight door'' is a door that is not a display door and is equal to or larger than 4 feet wide and 8 feet tall. *Id.* A ''passage door'' is a door that is not a freight or display door. *Id.*

The use of dimensions in the definition of freight door conveys that these doors are intended for large machines (*e.g.,* forklifts) to pass through carrying freight. However, the definition does not explicitly provide whether classification as a freight door occurs when one of the dimensions exceeds the dimension provided in the definition, but the other dimension is smaller than the dimension provided in the definition. For such doors, in some cases the surface area could be larger than 32 square feet, the area of a 4-foot by 8-foot door provided in the definition (*e.g.,* a door 5 feet wide and 7 feet tall, with a surface area of 35 square feet); in other cases, the surface area could be smaller than 32 square feet (*e.g.,* a door 5 feet wide and 6 feet tall, with a surface area of 30 square feet). DOE reviewed the surface area of certified freight and passage doors in DOE's Compliance Certification Management System (''CCMS'') Database.[7] Among 1,114 unique individual models[8] of freight doors, 44 unique individual models have a surface area less than 32 square feet. These models appear to have been classified on the understanding that a door is a freight door if just one dimension is larger than the dimensions specified in the freight door definition. Among 1,540 unique individual models of passage doors, 789 unique individual models have a surface area greater than or equal to 32 square feet.[9] These models either are multi-door configurations, or they have been classified assuming that to be a freight door, both dimensions must be equal to or exceed the dimensions in the freight door definition. DOE further notes that the standards for each class of WICF doors are a function of surface area, and that different standards apply for freight doors and passage doors. DOE seeks information that would inform any potential revision of the door definitions, particularly ''freight door'' and ''passage door,'' to improve their clarity and ensure that there is no overlap between these definitions.

Issue 4: DOE requests comment on whether height and width or surface area are distinct attributes that effectively distinguish between passage and freight doors. DOE seeks information on any building codes, standards, or industry practices to support or refute maintaining the dimensions of a door as the defining characteristic which separates freight and passage doors.

Issue 5: Regarding a door that meets the freight door definition but does so only because it has a multi-door configuration in which the individual component doors each would by themselves not meet the freight door definition, DOE seeks comment on how such doors should be classified, and whether such classification should depend on other factors, such as whether one or more frame members divides the door opening into smaller openings.

Issue 6: DOE seeks comment on whether any attribute, or combination of attributes, other than size, would affect energy use and could be used to distinguish between freight doors and passage doors. If so, DOE requests data and comment on such attributes.

B. Industry Test Standards

The current DOE test procedure for walk-in coolers and freezers incorporates the following industry test standards: NFRC 100[10] into Appendix A; ASTM C518–04[11] into Appendix B; and AHRI 1250–2009[12], AHRI 420–2008[13] and ASHRAE 23.1–2010[14] into Appendix C.

1. NFRC 100 and NFRC 102

Appendix A requires manufacturers to determine door thermal transmittance according to NFRC 100. See Appendix A, Section 5.3. NFRC 100 includes a computational method to determine the thermal transmittance for a product line of doors if simulated results meet the validation requirements specified in NFRC 100. This approach may be less costly but generally may result in a higher, more conservative thermal transmittance value than the thermal transmittance value determined by testing each door. Section 4.3.2 of NFRC 100 provides a method for physically testing the thermal transmittance of walk-in doors by referencing NFRC 102, ''Procedure for Measuring the Steady-State Thermal Transmittance of Fenestration Systems'' (''NFRC 102''). DOE is considering explicitly incorporating by reference NFRC 102 as

[7] Data from the DOE CCMS database was accessed on March 6, 2020. This database can be found at *http://www.regulations.doe.gov/certification-data/*.

[8] Unique individual models exclude any duplicate entries using the same individual model number.

[9] DOE understands that some certified passage doors may represent multi-door configurations in which the individual component doors each have a surface area of less than 32 square feet.

[10] National Fenestration Rating Council (''NFRC'') 100–2010, ''Procedure for Determining Fenestration U-factors'' (''NFRC 100'').

[11] American Society for Testing and Materials (''ASTM'') C518–04, ''Standard Test Method for Steady-State Thermal Transmission Properties by Means of the Heat Flow Meter Apparatus'' (''ASTM C518–04'').

[12] American National Standards Institute (''ANSI'')/Air-Conditioning, Heating, and Refrigeration Institute (''AHRI'') Standard 1250P (I–P), ''2009 Standard for Performance Rating of Walk-In Coolers and Freezers'' (''AHRI 1250–2009'').

[13] AHRI 420–2008, ''Performance Rating of Forced-Circulation Free-Delivery Unit Coolers for Refrigeration'' (''AHRI 420–2008'').

[14] ANSI/ASHRAE 23.1–2010, ''Methods of Testing for Rating the Performance of Positive Displacement Refrigerant Compressors and Condensing Units that Operate at Subcritical Temperatures of the Refrigerant'' (''ASHRAE 23.1–2010'').

the test method for determining the thermal transmittance of walk-in doors in place of NFRC 100 and adopting AEDM provisions for walk-in display and non-display doors to replace the computational methodology in NFRC 100.

Issue 7: DOE requests comment on the accuracy of the computational method in NFRC 100 to predict U-factor for display and non-display doors. DOE seeks feedback regarding the differences in results (if any) between those obtained using the NFRC 100 computational method and those obtained when conducting physical testing using NFRC 102 for display and non-display doors. DOE is also interested in the magnitude of these differences and whether the computational method can be modified to yield results that more closely match the results obtained from actual physical testing. If manufacturers are aware of other methods to predict U-factor for either display doors or non-display doors besides NFRC 100, DOE requests how the results from these methods compare to physical testing.

Issue 8: DOE seeks information from manufacturers and other interested parties regarding how the industry currently rates individual door models, including the prevalence within the industry of using the computational method from NFRC 100. DOE also requests information on the costs associated with the computational method of NFRC 100 or an alternative computational method compared to physically testing the thermal transmittance of walk-in doors using NFRC 102.

2. ASTM C518

Currently, section 4.2 of Appendix B references ASTM C518 to determine the thermal conductivity of panel insulation (the ''K factor''). EPCA requires that the measurement of the K factor used to calculate the R-value ''be based on ASTM test procedure C518–2004.'' (42 U.S.C. 6314(a)(9)(A)(ii)) In December 2015, ASTM published a revision of this standard (''ASTM C518–15''). ASTM C518–15 removed references to ASTM Standard C1363, ''Test Method for Thermal Performance of Building Materials and Envelope Assemblies by Means of a Hot Box Apparatus'' (''ASTM C1363''), and added references to ASTM Standard E456, ''Terminology Relating to Quality and Statistics''. Additionally, ASTM C518–15 relies solely on the International System of Units (''SI units''), with paragraph 1.13 clarifying that these SI unit values are to be regarded as standard.

In July 2017, ASTM published another revision of ASTM C518 (''ASTM C518–17''). ASTM C518–17 added a summary of precision statistics from an interlaboratory study from 2002–2004 in section 10 ''Precision and Bias''. DOE has initially determined that the changes made in 2015 and 2017 to ASTM C518 do not substantively change the test method and, therefore, DOE is considering specifying ASTM C518–17 as the referenced test procedure in Appendix B. If DOE makes this change as part of a test procedure rulemaking, it would also consider any changes necessary to ensure rounding consistency when converting the output of ASTM C518–17 from SI units to English units.

Issue 9: DOE requests comment on what issues, if any, would be present if ASTM C518–17 were to be referenced in the Appendix B test procedure for measuring panel K-factor, or average thermal conductivity. While not exhaustive, primary areas of interest to DOE include any differences between the currently referenced version of the industry standard (ASTM C518–04) and ASTM C518–17 that would result in a difference in the determined R-value and/or test burden (whether an increase or decrease), and if there are such differences, the magnitude of impact to the determined R-value and/or test burden.

3. AHRI 1250

The current DOE test procedures for walk-in refrigeration systems incorporate by reference AHRI 1250–2009. 10 CFR 431.303(b)(2). AHRI 1250–2009 provides test methods for determination of performance for matched pair refrigeration systems consisting of a unit cooler and a condensing unit, or for the individual unit cooler or condensing unit alone.[15] In 2014, AHRI published a revision to this standard (''AHRI 1250–2014''). AHRI 1250–2014 primarily aligned the test standard for consistency with the DOE test procedure, *e.g.* specifying that unit coolers be tested using 25 °F saturated suction temperature for refrigerator unit coolers and − 20 °F for freezer unit coolers.

AHRI again published a revision to the standard in April 2020 (''AHRI 1250–2020''). AHRI 1250–2020 includes many updates, including (a) providing complete instructions for testing of unit coolers alone instead of incorporating by reference AHRI 420, (b) providing complete instructions for testing of condensing units alone instead of incorporating by reference ASHRAE 23.1–2010, (c) revision of instrument accuracy and test tolerances, (d) adding test methods for testing of single-package systems, (e) modified correlations for default evaporator fan power, defrost thermal load, and defrost energy use for use when testing condensing units alone, (f) correlations for defrost thermal load and energy use for use when testing hot gas defrost systems, (g) measurement of all relevant off-cycle energy use, including compressor crankcase heater energy use, and (h) methods to verify whether a refrigeration system has hot gas defrost and/or adaptive defrost capabilities.

DOE may consider incorporating by reference AHRI 1250–2020 as the test method for walk-in refrigeration systems.

Issue 10: DOE requests comment on what issues, if any, would be present if AHRI 1250–2020 were to be referenced in the Appendix C test procedure for measuring walk-in refrigeration system AWEF. While not exhaustive, primary areas of interest to DOE include any differences between the currently referenced version of the industry standard (AHRI 1250–2009) and AHRI 1250–2020 that would result in a difference in the determined AWEF and/or test burden (whether an increase or decrease), and if there are such differences, the magnitude of impact to the determined AWEF and/or test burden.

C. Test Procedure for Walk-In Doors

In the following subsections, DOE discusses several topics specific to walk-in doors that may affect the test procedure's ability to provide results that are more fully representative of walk-in door energy use during an average use cycle. In particular, the discussion focuses on: (a) The distinction between the surface area used for determining maximum energy consumption and the surface area used to calculate thermal transmittance; (b) walk-in door electrical components, such as motors, that may require specific consideration in the test procedure; (c) assumptions of refrigeration system energy efficiency ratio (''EER'') for calculating energy use associated with the thermal loads of walk-in doors; (d) calibrations of the hot box used for determining thermal transmittance (also referred to as ''U-factor''); (e) maintaining tolerances on heat transfer coefficients for U-factor tests; and (f) measuring and accounting for air infiltration.

[15] A split-system refrigeration system consists of two separate components: A unit cooler that is installed inside a walk-in enclosure, and a condensing unit, which is installed outside the enclosure, either inside a building in which the walk-in is constructed, or outdoors.

1. Surface Area Used for Determining Compliance With Standards

The surface area of display doors and non-display doors (designated as A_{dd} and A_{nd}, respectively) are used to determine maximum energy consumption in kWh/day of a walk-in door. 10 CFR 431.306(c)–(d). Surface area is defined in Appendix A as ''the area of the surface of the walk-in component that would be external to the walk-in cooler or walk-in freezer as appropriate.'' Appendix A, Section 3.4. DOE recognizes that this definition may benefit from additional detail. As currently written, the definition does not provide detail on how to determine the boundaries of the walk-in door from which height and width are determined to calculate surface area. Additionally, the definition does not specify if these measurements are to be strictly in-plane with the surface of the wall or panel that the walk-in door would be affixed to, or if troughs and other design features on the exterior surface of the walk-in door should be included in the surface area.

Inconsistent determination of surface area, specifically with respect to the measurement boundaries, may result in unrepresentative maximum energy consumption. Display doors are fundamentally different from non-display doors in terms of their overall construction. For example, display door assemblies contain a larger frame encompassing multiple door openings; the entire assembly fits into an opening within a walk-in wall. Non-display doors differ in that they often are affixed to a panel-like structure that more closely resembles a walk-in wall rather than a traditional door frame. For the purposes of determining compliance with the standards, DOE interprets the surface area as the product of the height and width measurements of the door made external to the walk-in, where the height and width measurements are the maximum edge-to-edge dimensions of the door measured perpendicular to each other and parallel to the wall or panel of the walk-in to which the door is affixed. In applying this approach, DOE views the height and width measurements of display doors to include the frame and frame flange that overlaps the external edge of the WICF panel. For non-display doors, DOE views the height and width measurements to include only the swinging or sliding portion of the door and not the door frame or any localized appendages such as hinges or hanging rails and brackets. DOE seeks feedback on its interpretation of surface area for both display and non-display doors. DOE is also interested in feedback on whether additional detail is needed regarding the surface area for both non-display doors and display doors, and if so, what further detail should be provided.

Issue 11: DOE requests comment on how manufacturers determine surface area for the purpose of evaluating compliance with the standards for both display doors and non-display doors. DOE seeks input on any distinction between display doors and non-display doors, especially the door frames, which may warrant surface area for each to be determined differently.

Additionally, walk-in doors with antisweat heaters are subject to prescriptive standards for power use of antisweat heaters per square foot of door opening. 10 CFR 431.306(b)(3)–(4). Although ''door opening'' is not defined, DOE considers the relevant area for determining ''power use per square foot of door opening'' to be consistent with the surface area used to determine maximum energy consumption.

Issue 12: DOE seeks feedback on how manufacturers interpret and measure door opening as it relates to prescriptive standards for antisweat heaters, including whether or not manufacturers agree that the door opening considered for antisweat heat should be consistent with the surface area used to determine maximum energy consumption.

2. Thermal Transmittance Area

Currently, equations 4–19 and 4–28 of Appendix A specify that surface area, as defined in section 3.4 of Appendix A, of display doors and non-display doors, respectively, are used to convert a door's U-factor into a conduction load. This conduction load represents the amount of heat that transfers from the exterior to the interior of the walk-in. Based on recent review of the test procedure, DOE has identified that this defined surface area is inconsistent with the referenced industry test procedures for determining U-factor.

As stated previously, Appendix A references NFRC 100 for the determination of U-factor. When conducting physical testing,[16] U-factor (U_s) is calculated using projected surface area (A_s). ASTM C1199–09, Section 8.1.3. A_s is defined as ''the projected area of test specimen (same as test specimen aperture in surround panel)''. ASTM C1199–09, Section 3.3. This area differs from the currently defined areas (A_{dd} and A_{nd}) in Appendix A. See Appendix A, Section 3.4. DOE is considering whether the surface area used in calculating the conduction load in Equations 4–19 and 4–28 of Appendix A should be the same surface area used to determine U_s to provide greater consistency with the NFRC 100 definition of U-factor: ''The U-factor multiplied by the interior-exterior temperature difference and by the projected fenestration product area yields the total heat transfer through the fenestration product.''

Issue 13: DOE requests feedback on specifying the surface area used to determine thermal conduction through a walk-in door from the surface area used to determine the maximum energy consumption of a walk-in door.

3. Electrical Door Components

Sections 4.4.2 and 4.5.2 of Appendix A include provisions for calculating the direct energy consumption of electrical components of display doors and non-display doors, respectively. For example, electrical components associated with doors could include, but are not limited to: Heater wire (for anti-sweat or anti-freeze application); lights (including display door lighting systems); control system units; and sensors. See Appendix A, Sections 4.4.2 and 4.5.2. For each electricity-consuming component, the calculation of energy consumption is based on the component's ''rated power'' rather than an actual measurement of its power draw. Section 3.5 of Appendix A defines ''rated power'' as the electricity consuming device's power as specified on the device's nameplate, or from the device's product data sheet if the device does not have a nameplate or such nameplate does not list the device's power.

DOE has observed that walk-in doors often provide a single nameplate for the door, rather than providing individual nameplates for each electricity-consuming device. In many cases, the nameplate does not provide separate power information for the different electrical components. Also, the nameplate often specifies voltage and amperage (a measure of current) ratings without providing wattage (a measure of power) ratings, as is referenced by the definition of ''rated power''. While the wattage is equal to voltage multiplied by the current for many components, this may not be true of all components that may be part of a walk-in door assembly. Furthermore, nameplate labels typically do not specify whether any listed values of rated power or amperage represent

[16] As mentioned previously, NFRC 100 references NFRC 102 for determining U-factor through physical testing. NFRC 102 is based on American Society for Testing and Materials (''ASTM'') C1199–09, ''Standard Test Method for Measuring the Steady-State Thermal Transmittance of Fenestration Systems Using Hot Box Methods'' (''ASTM C1199–09'') with some modifications.

the maximum operation conditions or continuous steady-state operating conditions, which could differ for components such as motors that experience an initial surge in power before leveling off at a lower power level. These issues make calculating a door's total energy consumption challenging when a test facility does not have in-depth knowledge of the electrical characteristics of the door components.

DOE is considering whether there may be value in adding an option for direct measurement of door component electrical power, either as part of the test procedure for manufacturers wishing to make direct measurements, or for DOE testing, as an alternative to using the nameplate value. DOE seeks comment on issues that should be considered were DOE to develop requirements for such measurements, such as any additional instrumentation or test conditions that would be required.

Issue 14: DOE seeks comment on whether, and if so how, an option for direct component power measurement could be included in the test procedure or compliance, certification, and enforcement (''CCE'') provisions to allow more accurate accounting for the direct electrical energy consumption of WICF doors. DOE also seeks input on whether specific provisions should be provided for determining power input from the information that is typically provided on nameplates, noting the limitations that were described above.

As stated previously, Appendix A accounts for the energy consumption of various electrical components, including lights, sensors, anti-sweat heater wire, and other miscellaneous electrical devices. The test procedure assigns percent time off (''PTO'') values to various walk-in door components.[17] Table II.1 lists the PTO values in the DOE test procedure for walk-in doors. This method provides a means to compare walk-in door performance while limiting the test burden on manufacturers.

TABLE II.1—ASSIGNED PTO VALUES FOR WALK-IN DOOR COMPONENTS

Component type	Percent time off (PTO) %
Lights without timers, control system or other demand-based control	25
Lights with timers, control system or other demand-based control	50
Anti-sweat heaters without timers, control system or other demand-based control	0
Anti-sweat heaters on walk-in cooler doors with timers, control system or other demand-based control	75
Anti-sweat heaters on walk-in freezer doors with timers, control system or other demand-based control	50
All other electricity consuming devices without timers, control systems, or other auto-shut-off systems	0
All other electricity consuming devices for which it can be demonstrated that the device is controlled by a preinstalled timer, control system or other auto- shut-off system	25

DOE has received several petitions for waivers and interim waivers with regard to the PTO used for doors with motorized door openers.[18] These manufacturers stated that the test procedure for walk-in doors overstates the energy consumption of motorized doors because the applicable PTO value prescribed in the test procedure is not representative of the actual energy use of the motorized doors used in these applications. Under the current test procedure, motorized door openers would be considered ''other electricity-consuming devices,'' with PTO values of either 0 percent or 25 percent. See Appendix A, Sections 4.4.2(a)(3) and 4.5.2(a)(3). Based on the characteristics of its doors, each manufacturer requested a different PTO value (shown in Table II.2) to be applied to its basic models. After reviewing the performance data, equipment characteristics, and door-opening frequency assumptions presented by door manufacturers, and after soliciting and reviewing feedback from the public, DOE granted waivers to the manufacturers shown in Table II.2.

TABLE II.2—PTO VALUES GRANTED IN DECISION AND ORDERS FOR MANUFACTURERS OF DOORS WITH MOTORIZED DOOR OPENERS

Manufacturer	Percent time off (PTO) %	Decision and order **Federal Register** citation
HH Technologies	96	83 FR 53457. (Oct. 23, 2018).
Jamison Door Company	93.5	83 FR 53460. (Oct. 23, 2018).
Senneca Holdings	97	86 FR 75. (Jan. 4, 2021).
Hercules	92	86 FR 17801. (Apr. 6, 2021).

DOE is reviewing the test procedure's current PTO values and is interested in establishing standard PTO values for motorized door openers as well as any other electricity-consuming devices that would warrant PTOs different from those currently in Appendix A, also listed in Table II.1 of this document. DOE seeks information regarding how closely these values represent actual PTO values experienced in the field. In addition to motorized door openers,

[17] PTO values are applied in order to reflect the hours in a day that an electricity-consuming device operates at its full rated or certified power (*i.e.,* daily component energy use is calculated assuming that the component operates at it rated power for a number of hours equal to 24 multiplied by (1–PTO)). PTO should not be incorporated into the rated or certified power of an electricity-consuming device.

[18] By letters dated July 26, 2017, December 21, 2017, March 13, 2020, and June 5, 2020, Jamison Door Company, HH Technologies, Senneca Holdings, and Hercules, respectively, submitted petitions for waivers and interim waivers for basic models of motorized walk-in doors, requesting the use of alternate PTO values. (Jamison, EERE–2017–BT–WAV–0040, No. 2 at p. 2; HH Technologies, EERE–2018–BT–WAV–0001, No. 1 at p. 2; Senneca Holdings, EERE–2020–BT–WAV–0009, No. 3 at p. 3; Hercules, EERE–2020–BT–WAV–0027, No. 2 at p. 3).

DOE is also investigating whether any additional walk-in door electrical components, such as heated air vents and heated thresholds, would warrant the use of specific PTO values when calculating door energy use.

Issue 15: DOE requests comment on the current PTO values and whether DOE should consider amending any of the current values or adding specific values for additional electrical components, specifically motorized door openers. DOE requests data from field studies or similar sources to support any proposed amendments (or additions) to these PTO values.

DOE is aware that some manufacturers design and market walk-in cooler display doors for high humidity applications. Ratings from the CCMS database [19] show these doors have more anti-sweat heater power per door opening area than standard cooler display doors. The average power use per door opening area for high humidity cooler doors is 1.66 W/ft^2, while the average power use for cooler doors not marketed for high humidity applications made by the same manufacturers who produce the high humidity doors is 1.01 W/ft^2. Section 4.4.2(a)(2) of Appendix A requires a PTO value of 50 percent be used when determining the direct energy consumption for anti-sweat heaters with timers, control systems, or other demand-based controls situated within a walk-in cooler door (which would include walk-in cooler doors marketed for high humidity applications). This approach assumes that the anti-sweat heaters are not operating for 50 percent of the time. DOE recognizes that anti-sweat heaters may be in operation for a different amount of time in high humidity installations than in standard installations.

Issue 16: DOE seeks feedback on whether the current PTO of 50 percent is appropriate for evaluating direct energy consumption of anti-sweat heaters with controls for walk-in cooler doors marketed for high humidity applications. DOE seeks feedback on the average amount of time per day or per year that anti-sweat heaters with controls are off for these high humidity doors and how this compares to standard (*i.e.,* non-high humidity) walk-in cooler display doors.

4. EER Values To Convert Thermal Load to Energy Consumption

To calculate the daily energy consumption associated with heat loss through a walk-in door, Appendix A requires dividing the calculated heat loss rate by specified EER values of 12.4 Btu per Watt-hour (''Btu/(W-h)'') for coolers and 6.3 Btu/(W-h) for freezers. Appendix A, Sections 4.4.4(a) and 4.5.4(a). DOE adopted these EER values in a final rule published April 15, 2011. 76 FR 21580, 21586, 21594 (''April 2011 TP final rule''). As explained in a notice of proposed rulemaking (''NOPR'') leading to this final rule, DOE defined nominal EER values because an envelope component manufacturer cannot control what refrigeration equipment is installed, and the defined EER value is intended to provide a nominal means of comparison rather than reflect an actual walk-in installation. 75 FR 186, 197 (January 4, 2010) (''January 2010 TP NOPR''). DOE selected EER values of 12.4 Btu/(W-h) for coolers and 6.3 Btu/(W-h) for freezers because these are typical EER values of walk-in cooler and walk-in freezer refrigeration systems, respectively.[20] 75 FR 186, 209.

The DOE test procedure also assigns nominal EER values when testing the refrigeration systems of walk-in unit coolers alone. When testing a unit cooler alone, the energy use attributed to the condensing unit is represented by a default value determined using the representative EER value specified for the appropriate ''adjusted'' dew point temperature in Table 17 of AHRI 1250–2009.[21] The resulting EER values for unit coolers tested alone are 13.3 Btu/(W-h) for coolers and 6.6 Btu/(W-h) for freezers, which are different than the EER values of 12.4 and 6.3, respectively, applied to walk-in doors, as described above. DOE notes that based on Table 17 of AHRI 1250–2009, EER values of 12.4 and 6.3 correspond to Adjusted Dewpoint Values of 19 °F for a refrigerator and −26 °F for a freezer (in contrast to Adjusted Dewpoint Values of 23 °F and −22 °F for unit cooler refrigerators and freezers, respectively, tested alone as defined in Table 15 and Table 16 of AHRI 1250–2009 and subtracting 2 °F as specified in section 7.9.1 of AHRI 1250–2009).

DOE is considering whether to make the EER values used to calculate the energy consumption of walk-in doors consistent with the values used to calculate unit cooler energy consumption and whether such a change would provide a more accurate representation of the energy use of walk-ins.

Issue 17: DOE seeks feedback on the current EER values specified in Appendix A used to calculate daily energy consumption for walk-in doors and the values used in testing of unit coolers alone, as specified in Appendix C. Specifically, DOE requests comment on which of these sets of EER values is more representative, whether DOE should make the values used for door testing and unit cooler testing consistent with each other, and if so, which of the sets of values should be used.

5. Thermal Transmittance

a. Calibration of Hot Box for Measuring U-factor

As stated previously, NFRC 100 references NFRC 102 as the physical test method for measuring U-factor, which in turn incorporates by reference ASTM C1199. ASTM C1199 references ASTM C1363–05, ''Standard Test Method for Thermal Performance of Building Materials and Envelope Assemblies by Means of a Hot Box Apparatus'' (''ASTM C1363''). Section 6.1 of ASTM C1199 and Annexes 5 and 6 of ASTM C1363 include calibration requirements to characterize metering box wall loss and surround panel flanking loss, but the frequency at which these calibrations should occur is not specified in these test standards. DOE notes that ASHRAE Standard 16–2016, ''Method of Testing for Rating Room Air Conditioners and Packaged Terminal Air Conditioners'' (''ASHRAE 16–2016''), which is the test method incorporated by reference in the DOE test procedure for room air conditioners (10 CFR 430.3(g)(1)), uses in its determination of air conditioner capacity a value for heat loss through the partition wall based on prior calibration of the wall's heat loss. Conceptually, this use of a calibrated heat loss value is similar to the use of calibrated thermal losses in ASTM C1199 and ASTM C1363. DOE notes

[19] This data from the DOE CCMS database was accessed on March 17, 2021. This database can be found at *http://www.regulations.doe.gov/certification-data/.*

[20] The difference in EER values between coolers and freezers reflects the relative efficiency of the refrigeration equipment for the associated application. 75 FR 186, 197. As the temperature of the air surrounding the evaporator coil drops (that is, when considering a freezer relative to a cooler), thermodynamics dictates that the system effectiveness at removing heat per unit of electrical input energy decreases. *Id.*

[21] The dewpoint temperature to be used for testing unit coolers alone is defined in section 3.3.1 of Appendix C to be the Suction A saturation condition provided in Tables 15 or 16 of Appendix C (for refrigerator unit coolers and freezer unit coolers, respectively). Table 15 for refrigerator unit coolers defines the Suction A saturation condition (*i.e.,* dewpoint temperature) as 25 °F. Table 16 for freezer unit coolers defines the Suction A dewpoint temperature as −20 °F. Furthermore, section 7.9.1 of AHRI 1250–2009 specifies that for unit coolers rated at a suction dewpoint other than 19 °F for a refrigerator and −26 °F for a freezer, the Adjusted Dewpoint Value shall be 2 °F less than the unit cooler rating suction dewpoint—resulting in adjusted dewpoint values of 23 °F and −22 °F for refrigerator unit coolers and freezer unit coolers, respectively.

further that section 6.1.2.2 of ASHRAE 16–2016 includes a requirement to calibrate the partition wall thermal loss at least every two years. DOE is interested in feedback on the frequency of calibration and how recalibrations are performed for test facilities using test standard ASTM C1199.

Issue 18: DOE requests comment on how frequently test laboratories perform each of the calibration procedures referenced in ASTM C1199 and ASTM C1363, *e.g.,* those used to determine calibration coefficients that are used to calculate metering box wall loss and surround panel flanking loss. DOE also requests comment on the magnitude of variation in the calibration coefficients measured during successive calibrations.

b. Tolerances of Surface Heat Transfer Coefficients

Section 6 of ASTM C1199 specifies the standardized heat transfer coefficients and their tolerances as part of the procedure to set the surface heat transfer conditions of the test facility using the Calibration Transfer Standard (''CTS'') test. The warm-side surface heat transfer coefficient must be within ± 5 percent of the standardized warm-side value, and the cold-side surface heat transfer coefficient must be within ± 10 percent of the standardized cold-side value (ASTM C1199–09, sections 6.2.3 and 6.2.4). ASTM C1199 does not require that the measured surface heat transfer coefficients match or be within a certain tolerance of standardized values during sample testing—although test facility operational (*e.g.,* cold side fan settings) condition would remain identical to those set during the CTS test. On the other hand, Appendix A states in section 5.3(a)(1) that the average surface heat transfer coefficient on the cold-side of the apparatus shall be 30 Watts per square-meter-Kelvin ± 5 percent and that the average surface heat transfer coefficient on the warm-side of the apparatus shall be 7.7 Watts per square-meter-Kelvin ± 5 percent.

DOE originally proposed the heat transfer values and their associated tolerances in a supplemental notice of proposed rulemaking (''SNOPR'') published February 20, 2014 (''February 2014 AEDM TP SNOPR''). 79 FR 9818, 9837, 9847. DOE did not receive any comments from interested parties specific to the proposed tolerance of ±5 percent for both the cold-side and warm-side heat transfer coefficients, and finalized these values in a final rule published on May 13, 2014 (''May 2014 AEDM TP final rule''). 79 FR 27388, 27415.

DOE has found that meeting the standardized heat transfer values within specified tolerances in section 5.3(a)(1) of Appendix A on the warm-side and cold-side may not be achievable depending on the thermal transmittance through the door. Specifically, the warm-side heat transfer is dominated by natural convection and radiation and the heat transfer coefficient varies as a function of surface temperature. When testing doors with higher thermal resistance, less heat is transferred across the door from the warm-side to the cold-side, so the warm-side surface temperature is closer to the warm-side air temperature. However, the CTS method in ASTM C1199 does not require measurement of the warm-side surface temperature of the door. Rather, this value is calculated based on the radiative and convective heat flows from the test specimen's surface to the surroundings, which are driven by values determined from the calibration of the hot box (*e.g.,* the convection coefficient). See ASTM C1199, Section 9.2.1. When testing doors with extremely high- or low-thermal resistance, the resulting change in warm-side surface temperature can shift the warm-side heat transfer coefficient out of tolerance. The only way to adjust these coefficients to be within tolerance would be to recalibrate the hot box for a specific door, which would be burdensome and somewhat unpredictable.

Issue 19: DOE requests feedback on whether the tolerances in section 5.3(a)(1) of Appendix A applied to the surface heat transfer coefficients used to measure thermal transmittance are achievable for all walk-in doors and if not, whether the tolerances should be increased or omitted. Specifically, DOE seeks data to support any changes to the tolerances on the surface heat transfer coefficients.

6. Air Infiltration Reduction

EPCA includes prescriptive requirements for doors used in walk-in applications, which are intended to reduce air infiltration. Specifically, walk-ins must have (A) automatic door closers that firmly close all walk-in doors that have been closed to within 1 inch of full closure (excluding doors wider than 3 feet 9 inches or taller than 7 feet), and (B) strip doors, spring-hinged doors, or other method of minimizing infiltration when doors are open. 42 U.S.C. 6313(f)(1)(A)–(B). In the January 2010 TP NOPR and an SNOPR published on September 9, 2010 (''September 2010 TP SNOPR''), DOE proposed methods for determining the thermal energy leakage due to steady-state infiltration through the seals of a closed door and door opening infiltration. 75 FR 186, 214–216 and 75 FR 55068, 55107–55108. However, the April 2011 TP final rule did not include these methods because DOE concluded that steady-state infiltration was primarily influenced by on-site assembly practices rather than the performance of individual components. 76 FR 21580, 21594–21595. Similarly, DOE stated that, based on its experience with the door manufacturing industry, door opening infiltration is primarily reduced by incorporating a separate infiltration reduction device at the assembly stage of the complete walk-in. *Id.*

In this RFI, DOE is re-considering whether a method for measuring infiltration, specifically door opening infiltration, as well as a method to measure the impacts from technologies that reduce infiltration (*e.g.* fast-acting doors or air curtains), would improve on the current test procedure's accuracy and ability to produce results reflecting a given walk-in door's energy efficiency during a representative average use cycle, while not being unduly burdensome to conduct. Certain types of doors, like fast-acting doors, may have higher thermal transmittance, but may compensate for that factor by reducing infiltration from door openings—thereby, reducing a walk-in's overall energy use. DOE is considering how it may account for these types of doors in the walk-in test procedure.

In the January 2010 TP NOPR, DOE proposed to require that the thermal load from air infiltration associated with each door opening event be calculated using an analytical method based on equations published in the ASHRAE Refrigeration Handbook in combination with assumed values for door-opening frequency and duration. That proposed method would have accounted for the presence of infiltration reduction devices by discounting the thermal load from door opening air infiltration by the effectiveness of the air infiltration device. 75 FR 186, 196–197, 214–216. In order to determine the effectiveness of an infiltration reduction device, DOE proposed a two-part test that entailed measuring the concentration of tracer gas after a door opening event with and without the infiltration reduction device in place. *Id.* DOE proposed to use this effectiveness test for every unique door-device combination offered by a manufacturer. *Id.*

In the September 2010 TP SNOPR, DOE proposed a method for determining the thermal load associated with steady-state infiltration through walk-in doors. 75 FR 55068, 55084–55085, and 55107–

55108. For each door type with identical construction and only differences in dimensional size, DOE proposed to require calculating steady-state infiltration according to NFRC 400–2010–E0A1 (''Procedure for Determining Fenestration Product Air Leakage'') by testing three representative doors, one each of a ''small,'' ''medium,'' and ''large'' size.[22] *Id.* The steady-state infiltration from the representative doors would then be extrapolated or interpolated, as appropriate, to other doors that have the same construction. *Id.*

As noted, DOE is considering how to credit doors with infiltration-reducing features that reduce overall walk-in energy use and that are in addition to the prescriptive requirements mandated by EPCA. In doing so, DOE may consider a revised version of one of its previous proposals related to door infiltration, or offer a new method for determining heat load associated with infiltration.

DOE requests comment on whether it should account for steady-state and/or door opening infiltration in its test procedure—and if so, why; and if not, why not. With respect to suggestions for potential test methods, DOE is particularly interested in recommendations regarding test methods and calculation methods used by the industry to quantify heat load from infiltration. With respect to each of these methods, DOE seeks supporting information regarding the necessary costs in carrying them out. DOE seeks information and data on whether testing results obtained under any of the methods could be used to interpolate the load resulting from air infiltration of other door sizes in a product line. DOE also requests information on door usage patterns per door type (*e.g.,* display doors, passage doors, motorized doors, and fast-acting doors), including any supporting data from research or field studies.

D. Test Procedure for Walk-In Panels

In the following subsections, DOE presents several topics specific to walk-in panels that, if adopted, may improve the current test procedure's ability to provide results that more accurately depict walk-in panel energy use during a representative average use cycle without causing the test procedure to become unduly burdensome to conduct. That test procedure, found in 10 CFR part 431, subpart R, appendix B, provides a detailed method by which to measure the energy efficiency of a given panel used in the construction of a walk-in. Since publication of the December 2016 TP final rule, DOE has identified the potential need to provide additional clarification to Appendix B regarding the measurement of the thickness of walk-in panels (see Section II.D.1 of this document) and the procedure for determining parallelism and flatness of test specimens (see Section II.D.2 of this document). DOE also has identified differences between Appendix B and the industry test standards referenced, specifically for specimen [23] conditioning prior to testing (see Section II.D.3 of this document). In addition, DOE is examining the prospect of requiring a measurement for thermal transmittance for non-display panels (see Section II.D.4 of this document). While DOE previously adopted methods for measuring thermal transmittance in the April 2011 TP final rule, it later removed them. 79 FR 27387, 27405–27406. DOE remains interested in exploring the possibility of addressing this issue because of the potential variation in thermal transmittance of different panel designs with the same R-value, and seeks additional information regarding market-related and industry test method-related changes that would inform DOE's potential reconsideration of adopting a test method for measuring thermal transmittance. Finally, DOE is seeking comment on the test procedure for display panels (Section II.D.5 of this document).

1. Panel Thickness

DOE's test procedure for walk-in panels requires manufacturers to determine the panel's R-value by measuring the thermal conductivity, referred to as the ''K factor'' of a 1 ± 0.1-inch specimen of insulation according to ASTM C518–04. The R-value of the walk-in panel is determined by dividing the panel thickness by the K factor. See 10 CFR 431.304(b)(3) and Appendix B (detailing the test method used to measure the R-value for walk-in envelope components). DOE's current test procedure for determining a panel's R-value provides some direction for measuring panel thickness. However, because of the importance of this measurement in determining the panel's R-value, DOE is considering whether to include additional details regarding the thickness measurement.

Issue 20: DOE requests comment on how panel thickness is currently measured for determining the panel's R-value per the DOE test procedure, including number of measurements, measurement location, and any steps that are routinely followed for the removal of the protective skins or facers to obtain the full panel thickness. DOE requests that commenters identify any specific guidelines, practices or standardized approaches that are followed, as well as their date of publication, if applicable.

2. Parallelism and Flatness

The test procedure for determining R-value also requires that the two surfaces of the tested specimen that contact the hot plate assemblies (as defined in ASTM C518) maintain ±0.03 inches flatness tolerance and also maintain parallelism with respect to one another within a tolerance of ±0.03 inches.[24] Section 4.5 of Appendix B. The test procedure provides no direction on how flatness and parallelism should be measured or calculated. DOE is considering whether its test procedure should provide additional details indicating how to determine the flatness and parallelism of the tested specimen.

Issue 21: DOE requests comment on how flatness and parallelism of the test specimen surfaces that contact the hot plate assemblies described in ASTM C518 are typically determined by test laboratories and whether the test procedure should be revised to clarify how to determine these parameters, *e.g.,* what type of instruments are used to measure these values, how many measurements are made for a given specimen, and other details that could affect conclusions regarding compliance with the test procedure.

3. Specimen Conditioning

ASTM C518 directs that a test specimen cut from a panel be conditioned prior to testing. See ASTM C518–04, section 7.3 (referring to panel conditioning as ''specimen conditioning''). However, ASTM C518 does not specify the conditions at which specimen conditioning would be conducted, nor the duration. ASTM C518 states that specimen conditioning details should be provided in the

[22] DOE proposed a small size door as 48 inches ±0.5 inch wide and 84 inches ±0.5 inch high, a medium size door as 96 inches ±0.5 inch wide and 144 inches ±0.5 inch high, and a large size door as 144 inches ±0.5 inch wide and 180 inches ±0.5 inch high. 75 FR 55068, 55107.

[23] ASTM C518 uses ''specimen'' to refer to the piece of insulation that is cut to size for testing, while the CFR uses ''sample''. The discussion in this document is using ''specimen'' for consistency with the industry test standard.

[24] Maintaining a flatness tolerance means that no part of a given surface is more distant than the tolerance from the ''best-fit perfectly flat plane'' representing the surface. Maintaining parallelism tolerance means that the range of distances between the best-fit perfectly flat planes representing the two surfaces is no more than twice the tolerance (*e.g.,* for square surfaces, the distance between the most distant corners of the perfectly flat planes minus the distance between the closest corners is no more than twice the tolerance).

material specifications, and if not provided, conditions should be selected so as not to change the specimen in an irreversible manner. *Id.* ASTM C518 further states that material specifications typically call for specimen conditioning at 22 °C (72 °F) and 50 percent relative humidity until less than a 1 percent mass change is observed over a 24-hour period. *Id.* Calculations associated with conditioning are discussed in section 8.1 of ASTM C518, including calculation of the ''density of the dry specimen as tested,'' which suggests that the purpose of conditioning is, at least in part, to dry the specimen, *i.e.,* allow water to evaporate and/or diffuse out.

DOE has not found specimen conditioning details to be provided by suppliers of insulation for any of the common insulation materials used in walk-ins. Given this lack of supplier-provided specimen conditioning details, it is DOE's understanding that ''material specifications'' in section 7.3 refers to ASTM specifications, *e.g.* ASTM C578–2019, ''Standard Specification for Rigid, Cellular Polystyrene Thermal Insulation'' or ASTM C1029–2015, ''Standard Specification for Spray-Applied Rigid Cellular Polyurethane Thermal Insulation''. However, there is no uniform set of ASTM conditioning specifications, and the material specifications identified in ASTM C518 as ''typical'' do not reflect what is provided in other ASTM standards. For example, ASTM C578–2019 calls for conditioning as specified in the applicable test procedure—this circular reference back to ASTM C518 means that ASTM C578–2019 effectively provides no explicit conditions. ASTM C1029–2015 calls for conditioning at 73 ± 2 °F and 50 ± 5 percent relative humidity for 180 ± 5 days from time of manufacture. In the context of the DOE WICF test procedures, the ASTM C1029–2015 specifications may be insufficient or inappropriate because the date of manufacture of the insulation in a walk-in panel or door may not be known, and the 180-day condition would likely represent a significant test burden.

In the absence of clear instructions in ASTM C518, test laboratories may be using conditioning times, temperature, and humidity consistent with the conditions identified in ASTM C518–04 section 7.3 as ''typical conditions.'' Additionally, the provision in section 4.5 of Appendix B requires that testing per ASTM C518–04 must be completed within 24 hours of specimens being cut for the purpose of testing, eliminating use of the 180-day conditioning provided in ASTM C1029–2015 or the example of typical specimen conditioning provided by ASTM C518.

Issue 22: DOE requests comment on the extent to which manufacturers of insulation specify conditioning for insulation materials that differ from the typical conditioning approach described in ASTM C518. DOE also seeks feedback on whether more than one 24-hour conditioning period is ever needed to complete the conditioning (*i.e.,* the change in specimen mass is less than 1 percent after the first 24 hours of conditioning) for a specimen extracted from a WICF panel or door. Finally, DOE requests information or data on how specimen conditioning times less than or equal to 24 hours impacts the accuracy, repeatability, and representativeness of the test.

4. Overall Thermal Transmittance

In the April 2011 TP final rule, DOE adopted a test method for measuring the overall thermal transmittance of a walk-in panel, including the impacts of thermal bridges [25] and edge effects (*e.g.,* due to framing materials and fixtures used to mount cam locks). This method drew from an existing industry test method, incorporating by reference ASTM C1363–05. 76 FR 21580, 21605–21612. However, after receiving comments indicating that only two independent laboratories could conduct this test, DOE re-evaluated its earlier decision and removed this portion of the walk-in panel test procedure in the May 2014 AEDM TP final rule. 79 FR 27388, 27405–27406. Despite this decision to remove its overall thermal transmittance measurement method from the walk-in test procedure, DOE remains concerned that elements like framing materials and fixtures used to mount cam locks can significantly affect walk-in panel energy efficiency performance. To address this issue, DOE is re-evaluating whether—and if so, how—to account for the overall thermal transmittance of walk-in panels in its test procedure.

Issue 23: DOE requests information about panel construction factors that would affect thermal transmission and the magnitude of the energy efficiency-related impacts of thermal bridges in the panel assembly. Additionally, DOE requests comment on alternative test methods that measure the overall thermal transmittance of walk-in panels and the relative advantages and disadvantages of each. DOE also seeks feedback on the number and location of labs that have the facilities and are qualified to run ASTM C1363–05.

5. Display Panels

Display panels are defined in 10 CFR 431.302 as panels entirely or partially comprised of glass, a transparent material, or both that are used for display purposes. Display panels are subject to the test procedure in Appendix A for determining U-factor, conduction load, and energy use. 10 CFR 431.304(b)(1). Appendix A follows the procedure in NFRC 100 for determination of display panel U-factor. 10 CFR 431.303. Although DOE established a test procedure for display panels, DOE has not established energy conservation standards for them. DOE received no comments in response to the proposed test procedure outlined for display panels in the September 2010 TP SNOPR and DOE established Appendix A as the test procedure for display panels in the April 2011 TP Final Rule. 76 FR 21580, 21606. DOE is interested in any feedback on amending the current test procedure for display panels.

Issue 24: DOE seeks feedback on the current test procedure for display panels in Appendix A and what amendments should be made, if any, to it.

E. Test Procedure for Walk-In Refrigeration Systems

DOE's test procedure for walk-in refrigeration systems can be found in Appendix C to Subpart R of 10 CFR part 431. The test procedure primarily incorporates by reference AHRI 1250–2009.

DOE has also recently granted test procedure interim waivers and waivers to Appendix C specific to the testing of single-package systems, wine cellar refrigeration systems, and carbon dioxide (''CO_2'') refrigerant based systems, summarized in Table II.3. Test procedure waivers provide alternate test provisions for units that DOE determines cannot be appropriately tested to its current test procedure. A waiver granted by DOE remains in effect until DOE amends its regulations so as to eliminate any need for it, pursuant to 10 CFR 431.401(h) for commercial and industrial equipment. Sections II.E.1, II.E.2, and II.E.3, below discuss and request comment on addressing single-package systems, wine cellar

[25] Thermal bridging occurs when a more conductive material allows an easy pathway for heat flow across a thermal barrier.

refrigeration systems, and CO_2 systems in the test procedure.

TABLE II.3—INTERIM WAIVERS AND WAIVERS GRANTED TO MANUFACTURERS OF WALK-IN REFRIGERATION SYSTEMS

Manufacturer	Subject	Interim Waiver **Federal Register** citation	Waiver decision and order **Federal Register** citation
Air Innovations	Wine Cellar Refrigeration Systems	86 FR 2403 (Jan. 12, 2021)	86 FR 23702 (May 4, 2021).
Vinotheque	Wine Cellar Refrigeration Systems	86 FR 11961 (Mar. 1, 2021)	86 FR 26504 (May 14, 2021).
CellarPro	Wine Cellar Refrigeration Systems	86 FR 11972 (Mar. 1, 2021)	86 FR 26496 (May 14, 2021).
Vinotemp	Wine Cellar Refrigeration Systems	86 FR 23692 (May 4, 2021)	(*)
HTPG	CO_2 Unit Coolers	85 FR 83927 (Dec. 23, 2020)	86 FR 14887 (Mar. 19, 2021).
Hussmann	CO_2 Unit Coolers	86 FR 10046 (Feb. 18, 2021)	86 FR 24606 (May 7, 2021).
Keeprite	CO_2 Unit Coolers	86 FR 12433 (Mar. 3, 2021)	86 FR 24603 (May 7, 2021).
Store It Cold	Single-Package Systems	84 FR 11944 (Mar. 29, 2019)	84 FR 39286 (Aug. 9, 2019).

* A decision and order granting the manufacturer a waiver has not yet been issued.

As noted earlier, during DOE's previous rulemaking to develop standards for WICF refrigeration systems, the accompanying Term Sheet included a series of amendments to the test procedure that the Working Group viewed as necessary to properly implement its recommended energy conservation standards. Ultimately, DOE published final rules implementing the majority of both sets of recommendations. See 82 FR 31808, 31808–31838 (July 10, 2017) (final rule amending the energy conservation standards for walk-ins) and 81 FR 95758 (December 28, 2016) (final rule amending the walk-in test procedures).

Three test procedure-related recommendations from the Term Sheet, however, were not part of DOE's December 2016 TP final rule. (Term Sheet Recommendation #6). The Working Group believed these recommendations merited consideration by DOE as part of future amendments to help make the test procedure more fully representative of walk-in energy use. (*Id.*) Specifically, the Working Group recommended that DOE amend its procedure to (a) measure the energy use associated with the defrost function, taking into account the potential savings associated with hot gas and adaptive defrost, (b) incorporate the measurement of off-cycle power consumption, including crankcase heater power consumption, and (c) allow for separate ratings of stand-alone variable-capacity condensing units. (*Id.*). Sections II.E.4 through II.E.6 of this document discuss these issues in more detail.

Sections II.E.7 and II.E.8 discuss other issues that may also improve the test procedure's ability to provide results that are more representative of walk-in energy use. Specifically, these include consideration of amended test procedures and new equipment classes for so-called high-temperature freezer refrigeration systems used for walk-ins at temperatures between 10 °F and 32 °F, and discussion of the impact of refrigerant temperature glide [26] of zeotropic refrigerants such as R407A.

1. Single-Package Systems

As discussed in the December 2016 TP final rule, single-package systems are considered a type of dedicated condensing refrigeration system. 81 FR 95758, 95763–95764. The test methods in AHRI 1250–2009, which are incorporated by reference as DOE's test procedure for walk-ins (10 CFR 431.303(b)), do not fully address or account for the features of single-package systems. As discussed in the December 2016 TP final rule, commenters asserted that one practical challenge to testing single-package systems is the need to disassemble the unit under test in order to be able to install the refrigerant mass flow meters required for testing. *Id.* at 95763. Mass flow measurement is a key input in the calculation of capacity, as illustrated in equations C1 and C2 of AHRI 1250–2009.

Regarding this class of equipment, DOE received a petition for waiver with regard to testing of single-package units. By letter dated May 9, 2020, Store It Cold submitted a petition for waiver and interim waiver from Appendix C for basic models of single-package systems. (EERE–2018–BT–WAV–0002, No. 2) Store It Cold stated that testing single-package systems with refrigerant mass flow meters installed produces results unrepresentative of their true energy consumption characteristics and would provide materially inaccurate comparative data. The petitioner requested that DOE permit the use of psychrometric 'air-side' measurements to determine the Gross Total Refrigeration Capacity of such systems.

[26] ''Temperature glide'' for a refrigerant refers to the increase in temperature at a fixed pressure as liquid refrigerant vaporizes during its conversion from saturated liquid to saturated vapor.

DOE granted a test procedure waiver and interim waiver to Store It Cold for specified basic models in 2019. 84 FR 39286 (August 9, 2019) (''Store It Cold Decision and Order'').

AHRI 1250–2020 addresses testing of single-package systems in section C9 and incorporates by reference test standards developed for testing air-conditioning units that include alternative test methods that have been adapted for testing single-package systems. The air enthalpy methods in section C9 of AHRI 1250–2020 incorporate by reference ANSI/ASHRAE Standard 37–2009 (''ASHRAE 37–2009''), ''Methods of Testing for Rating Electrically Driven Unitary Air-Conditioning and Heat Pump Equipment'' and ANSI/ASHRAE 41.6–2014 (''ASHRAE 41.6''), ''Standard Method for Humidity Measurement''. The calorimeter methods in section C9 of AHRI 1250–2020 incorporate by reference ANSI/ASHRAE Standard 16–2016 (''ASHRAE 16–2016''), ''Method of Testing for Rating Room Air Conditioners, Packaged Terminal Air Conditioners, and Packaged Terminal Heat Pumps for Cooling and Heating Capacity''. The compressor calibration methods in section C9 of AHRI 1250–2020 incorporate by reference ASHRAE 37 and ANSI/ASHRAE 23.1–2010. AWEF calculations for matched pair and single-package systems are detailed in section 7.1.1 through 7.1.4 of AHRI 1250–2020.

AHRI 1250–2020 requires two simultaneous measurements of system capacity (*i.e.,* a primary and secondary method), and section C9.2.1 of Appendix C provides a requirement that the measurements agree within 6 percent. Table C4 to Appendix C to AHRI 1250–2020 details which of the test methods (calorimeter, air enthalpy, and compressor calibration) qualify as primary and/or secondary methods.

Issue 25: DOE requests comment on whether the single-package system test

and calculation methods described in AHRI 1250–2020 provide representative energy use. DOE also requests comment on whether DOE should incorporate by reference AHRI 1250–2020 as the test procedure for single-package systems.

DOE also notes that, unlike split systems (*i.e.,* matched-pair refrigeration systems), single-package systems may experience additional thermal losses because they circulate cold walk-in air through a cold section that has exterior surfaces exposed to warm air outside the walk-in enclosure. This exposure can contribute to additional infiltration losses, *i.e.,* leakage of air between the interior and exterior of a walk-in. Accordingly, if these losses occur, they would reduce the net capacity of a single-package system without being fully captured by the refrigerant enthalpy methods established in AHRI 1250–2009.

Issue 26: DOE requests any data or calculations quantifying the additional thermal losses associated with testing single-package systems due to the exposure of their cold sides to the exterior air (*i.e.,* surface and infiltration losses). DOE additionally requests comment on whether the AHRI 1250–2020 test methodology for single-package systems fully accounts for these additional losses.

a. Calorimeter Method

As previously mentioned, AHRI 1250–2020 incorporates by reference ASHRAE 16–2016 as its indoor and outdoor room calorimeter method test procedure. ASHRAE 16–2016 includes a calorimeter test method with similarities to the calibrated box test method of AHRI 1250–2009, but with additional details and provisions. ASHRAE 16–2016 is used to measure the capacity and power input of single-package system products such as room air conditioners that have hot and cold sections, similar to single-package walk-in systems. The ASHRAE 16–2016 calorimeter test includes both outdoor- and indoor-based calorimetric measurements of the capacity—the indoor side measurement is similar to that of the calibrated box test method, while the outdoor side provides a determination of system cooling capacity by measuring the cooling required to maintain the outdoor room temperature and humidity conditions.

DOE's work in evaluating single-package systems using the calorimeter methods referenced in AHRI 1250–2020 has highlighted the need to make very precise determination of the calorimeter chamber cooling fluid heat capacity. This fluid cannot be pure water, since it must be below water freezing temperature for testing WICF refrigeration systems. This makes precise determination of heat capacity more challenging, since an accurate determination of glycol concentration is required.

Issue 27: DOE requests comment and data on the use of water, glycol, or other heat transfer liquid in maintaining test compartment temperature using the calorimeter methods referenced in AHRI 1250–2020 for the testing of single-package refrigeration systems. DOE requests comment on whether the description and requirements for calorimetric testing as provided in AHRI 1250–2020 should be modified or enhanced in order to better ensure that measurements are accurate and repeatable.

In addition, ASHRAE 16–2016 requires that a pressure-equalizing device be installed between the indoor and outdoor test compartments to maintain a balanced pressure between the compartments and to measure the air flow required to maintain equalization. Assuming the test facility is otherwise airtight, the air flow transferred and measured by the pressure-equalizing device represents air transferred in the opposite direction through leaks inside the equipment as a result of pressure differences between the warm and cold side of the system set up by its fans.

Given that the related calibrated box test method has no requirements for pressure equalization, DOE is considering the need for pressure equalization for single-package testing. Alternatives include (a) no requirement addressing transfer air or pressure equalization, or (b) a requirement that the test facility chambers be leak-free with no equalization requirement. DOE expects that the use of a pressure equalization apparatus would incrementally increase test facility cost and test burden, and would ensure operation with losses consistent with the measured air leakage, but such equalized pressure conditions may not be representative of WICF refrigeration system use. The alternative options may reduce facility cost and test burden. Option (a) may reduce accuracy and repeatability, while both options may mask potential performance degradation associated with air leakage.

Issue 28: DOE requests comment on whether calorimeter test methods for single-package systems should implement a pressure-equalizing device, as included in ASHRAE 16–2016. DOE requests information on any additional cost and resource burdens, if any, manufacturers would face when employing these methods to evaluate single-package systems.

Issue 29: DOE seeks comment regarding any alternative test methods not mentioned in this document that could be used to measure single-package system capacity. To the extent that any alternative test methods could be used for this purpose, DOE requests information on their advantages and disadvantages in measuring single-package system capacity.

2. Wine Cellar Refrigeration Systems

DOE is aware of certain equipment within the walk-in definition that may be incapable of being tested in a manner that would yield results measuring the energy efficiency or energy use of that equipment during a representative average use cycle under the current version of the walk-in test procedure. Specifically, wine cellars that are installed in a variety of commercial settings are set to operate at a temperature range of 45 °F to 65 °F. They also meet the criteria established by Congress in the definition for a walk-in. See generally 42 U.S.C. 6311(20). Under the walk-in test procedure, walk-in coolers must be tested while operating at 35 °F. Section 3.1.1 of Appendix C. Wines often suffer from damage when stored at temperatures below 45 °F. To the extent that a wine cellar is not operated at 35 °F, applying the required 35 °F testing temperature condition when evaluating the energy usage of this equipment would not produce results representative of an average use cycle.

DOE has received requests for waiver and interim waiver from several manufacturers from the test procedure in Appendix C for basic models of wine cellar refrigeration systems.[27]( ). Manufacturers stated that wine cellars are intended to operate at a temperature range of 45 to 65 °F and 50–70 percent relative humidity, rather than the 35 °F and less than 50 percent relative humidity test condition prescribed in Appendix C. Manufacturers asserted that testing at 35 °F would be unrepresentative of the true energy consumption characteristics of the specified units and that operation at this temperature may damage wine cellar refrigeration units. Given the number of waivers that DOE received, DOE

[27] Air Innovations, Vinotheque Wine Cellars, Cellar Pro Cooling Systems, Vinotemp International Corp., and LRC Coil Company, respectively, submitted petitions for waivers and interim waivers for basic models of wine cellar walk-in refrigeration systems. (Air Innovations, EERE–2019–BT–WAV–0029, No. 6; Vinotheque, EERE–2019–BT–WAV–0038, No. 6; CellarPro, EERE–2019–BT–WAV–0028, No. 6; Vinotemp, EERE–2020–BT–WAV–0022, No. 10; LRC Coil, EERE–2020–BT–WAV–0040, No. 1).

engaged with AHRI, the industry trade association, to discuss how to develop a consistent alternate test approach for wine cellars that would be applicable to all impacted manufacturers. Ultimately, AHRI submitted a memorandum on behalf of its wine cellar members supporting (1) a 45 °F minimum operating temperature for wine cellar refrigeration systems, and (2) testing at 50 percent of maximum external static pressure, with manufacturers providing maximum external static pressure values to DOE.[28] After reviewing manufacturer websites, product specification sheets, suggested alternate test approaches provided by each manufacturer and by AHRI, and after soliciting and reviewing feedback from the public, DOE has granted interim waivers or waivers as summarized in Table II.3.

These waivers have addressed testing for single-package, matched-pair, and unit-cooler-only wine cellar refrigeration systems. The alternative test procedures prescribed in these waivers address a number of differences in operation between wine cellar refrigeration systems and other walk-in refrigeration systems, including the following:

- Unit cooler air inlet condition of 55 °F and 55 percent RH, compared to 35 °F and less than 50 percent RH for medium-temperature refrigeration systems in the DOE test procedure;
- For single-package wine cellar systems, capacity measurement is conducted using a primary and a secondary capacity measurement method as specified in AHRI 1250–2020, using two of the following: The indoor air enthalpy method; the outdoor air enthalpy method; the compressor calibration method; the indoor room calorimeter method; the outdoor room calorimeter method; or the balanced ambient room calorimeter method.
- Options for ducting on the condenser side, evaporator side, or both with specifications for setting the external static pressure.
- For calculating AWEF, the wine cellar box load level is set equal to half of the refrigeration system capacity at the 95 °F test condition (for outdoor refrigeration systems) or 90 °F (for indoor refrigeration systems), rather than using a two-tiered set of high- and low-load period box load levels, as prescribed in AHRI 1250–2009. For calculating AWEF, the evaporator fan is assumed to operate for one-tenth of the compressor off-cycle period at the same wattage as applies for the compressor on-cycle. This contrasts with varying assumptions used for other WICF refrigeration systems, depending on the type of evaporator fan controls they use.

Issue 30: DOE requests comment on the alternative test procedure for wine cellar walk-in refrigeration systems that it has granted in the interim waivers and waivers listed in Table II.3. DOE additionally seeks comment on whether the alternative test procedure prescribed for the specified basic models identified in the waivers would be appropriate for similar refrigeration equipment.

As noted previously, wine cellar refrigeration systems are designed for both ducted and non-ducted air delivery; the DOE test procedure does not address the testing of ducted systems. For systems that can be installed with (1) ducted evaporator air, (2) with or without ducted evaporator air, (3) ducted condenser air, or (4) with or without ducted condenser air, the alternate test approach requires testing to be conducted at 50 percent of the maximum external static pressure (''ESP''), subject to a tolerance of −0.00/+0.05 in. DOE understands that maximum ESP is generally not published in available literature such as installation instructions, but manufacturers do generally specify the size and maximum length of ductwork that is acceptable for any given unit in such literature. The duct specifications determine what ESP would be imposed on the unit in field operation.[29] The provision of allowable duct dimensions is more convenient for installers than maximum ESP, since it relieves the installer from having to perform duct pressure drop calculations to determine ESP. This approach differs from the approach used in related products/equipment, *e.g.,* air conditioners, where ESP is a function of capacity—ESP does not correlate well with capacity for wine cellar refrigeration systems.

Issue 31: DOE requests feedback on its approach for testing ducted units in its alternate test procedure for wine cellar refrigeration systems. Specifically, DOE requests comment and supporting data on whether testing at 50 percent of maximum ESP provides representative performance values, or whether other fractions of maximum ESP may be more appropriate. Additionally, DOE seeks comment on other industry test methods that include the testing of ducted units. Finally, DOE is interested in other alternative approaches for testing ducted units that have been demonstrated to provide repeatable and representative results.

The above discussion assumes that wine cellar refrigeration systems are either a single-package system or a matched-pair.[30] However, DOE has also received a petition for waiver for unit coolers that are distributed into commerce without a paired condensing system.[31] DOE recognizes that these unit cooler-only models will need to be tested according to the provisions in AHRI 1250–2020 for unit coolers tested alone, for which calculation of AWEF requires use of an appropriate EER based on the suction dew point temperature. Table 18 in AHRI 1250–2020 provides EER values for medium and low temperature unit coolers tested alone. However, these values may not be appropriate for calculating AWEF for wine cellar unit coolers because this equipment likely operates with different suction dew point temperature and the counterpart condensing units likely use different compressor designs than those considered when developing the current EER values.

Issue 32: DOE requests data and information on appropriate EER values for use in calculating AWEF for wine cellar unit coolers tested alone, and how these EER values might depend on refrigerant and/or capacity. DOE requests that commenters provide background explanation regarding how any such EER recommendations have been developed.

Issue 33: Since unit coolers for wine cellar systems are sold alone, DOE seeks information on the characteristics of condensing units that would typically be paired with these unit coolers (*e.g.,* make/model, compressor style, capacity range, manufacturers).

[28] Memorandum from AHRI, ''Department of Energy (DOE) Wine Cellar Cooling Systems Test Procedure Waiver Industry Comments from AHRI Membership'', August 18, 2020. (EERE–2019–BT–WAV–0028, No. 5 (CellarPro); EERE–2019–BT–WAV–0029, No. 5 (Air Innovations); EERE–2019–BT–WAV–0038, No. 5 (Vinotheque); EERE–2019–BT–WAV–022, No. 2 (Vinotemp))

[29] The duct material, length, diameter, shape, and configuration are used to calculate the ESP generated in the duct, along with the temperature and flow rate of the air passing through the duct. The conditions during normal operation that result in a maximum ESP are used to calculate the reported maximum ESP values, which are dependent on individual unit design and represent manufacturer-recommended installation and use.

[30] A ''matched refrigeration system'' is also called a ''matched pair'' and is a refrigeration system where the condensing system is distributed into commerce with a specific unit cooler(s). See 10 CFR 431.302.

[31] LRC Coil Company submitted a petition for waiver and interim waiver for specific basic models of unit cooler only walk-in wine cellar refrigeration systems. (LRC Coil, EERE–2020–BT–WAV–0040, No. 1) In reviewing another petition for waiver and interim waiver from Vinotheque for single-package system and matched-pair system basic models (Vinotheque, EERE–2019–BT–WAV–0038, No. 6), DOE noted that the manufacturer also offered unit cooler only systems distributed without a paired condensing system.

Additionally, DOE notes that its definitions for ''single-packaged system'' and ''unit cooler'' may not appropriately define ducted units. DOE currently defines a ''single-packaged dedicated system'' as ''a refrigeration system (as defined in this section) that is a single-package system assembly that includes one or more compressors, a condenser, a means for forced circulation of refrigerated air, and elements by which heat is transferred from air to refrigerant, without any element external to the system imposing resistance to flow of the refrigerated air. 10 CFR 431.302. Similarly, DOE defines a ''unit cooler'' as ''an assembly, including means for forced air circulation and elements by which heat is transferred from air to refrigerant, thus cooling the air, without any element external to the cooler imposing air resistance. *Id.* Both definitions describe a single-package or unit cooler system, respectively, that is not ducted (*i.e.,* there is no element external to the unit that imposes air resistance).

Issue 34: DOE seeks comment on whether, and if so how, it should modify its definitions for ''single-packaged dedicated system'' and ''unit cooler'' to address units that are designed to be installed with ducts.

Issue 35: DOE requests comment on any other issues regarding testing of wine cellar refrigeration systems that may not be fully addressed by the current DOE test procedure.

3. CO_2 Systems

DOE has also become aware of WICF unit coolers that are being used in CO_2 transcritical booster systems that cannot be tested using the current set of test conditions. DOE has received several test procedure waiver petitions regarding CO_2 unit coolers used in transcritical booster systems.

Heat Transfer Product Group (''HTPG''), Hussmann, and Keeprite submitted petitions for waivers and interim waivers from Appendix C for specific basic models of CO_2 direct expansion unit coolers).[32] The DOE test procedure for unit coolers requires testing with liquid inlet saturation temperature of 105 °F and liquid inlet subcooling temperature of 9 °F, as specified by Tables 15 and 16 of AHRI 1250–2009. However, CO_2 has a critical temperature of 87.8 °F; therefore, it does not coexist as saturated liquid and gas above this temperature. The liquid inlet saturation temperature of 105 °F and the liquid inlet subcooling temperature of 9 °F specified in Appendix C are not achievable by CO_2 unit coolers. The three petitioners requested that DOE modify the test condition values to reflect typical operating conditions for a transcritical CO_2 booster system (*i.e.*, a liquid inlet saturation temperature of 38 °F and a liquid inlet subcooling temperature of 5 °F). After reviewing manufacturer websites, product specification sheets, and suggested alternate test approaches provided by each manufacturer, DOE has granted waivers or interim waivers to the manufacturers listed in Table II.3.

DOE is seeking comment on how to address CO_2 system testing in a way that is representative of the average use cycle for these units and is not unduly burdensome to conduct.

Issue 36: DOE requests comment on test conditions that would be most appropriate for evaluating the energy use of CO_2 unit coolers. Additionally, DOE requests feedback on any additional changes that would need to be made to the DOE test procedure to accurately evaluate energy use of these systems, while minimizing test burden.

While all CO_2 refrigerant waiver petitions DOE has thus far received address unit coolers for use in transcritical booster systems, it is possible that other CO_2 refrigeration system configurations may be relevant in the future, *e.g.,* dedicated condensing units (''DCUs''), matched pairs, or single-package systems. DOE reviewed product literature and other information for CO_2 systems having some of these alternative configurations. Most of this information pertains to manufacturers operating in Europe.

Issue 37: DOE requests comment on the present and future expected use of walk-in refrigeration systems using CO_2. DOE requests specific information about these systems that would suggest a need to modify the DOE test procedure to address such equipment. Specifically, DOE requests information on whether such equipment is sold in the U.S., whether this equipment is sold as matched pairs or individual components, and to what extent dedicated condensing units are configured to supply subcritical liquid (rather than supercritical gas) to the unit coolers.

4. Defrost Test Method

The April 2011 TP final rule incorporated AHRI 1250–2009 as DOE's WICF refrigeration system test procedure, including that standard's requirement that both frosted and dry coil defrost tests be conducted. Appendix C, Section 3. DOE later noted in the February 2014 AEDM TP SNOPR that this requirement may be overly burdensome for manufacturers to conduct, due to the difficulty of maintaining the moist air infiltration conditions for the frosted coil test in a repeatable manner. 79 FR 9818, 9831. Accordingly, in DOE's May 2014 AEDM TP final rule, DOE adopted a set of nominal values for calculating defrost energy use for a frosted coil, number of defrosts per day if the unit has an adaptive defrost system, and daily contribution of heat load.[33] 79 FR 27388, 27401. To address testing low-temperature condensing units alone, the May 2014 AEDM TP final rule established nominal values for the defrost energy use and thermal load. In addressing refrigeration systems with hot gas defrost, the May 2014 AEDM TP final rule established nominal values for calculating hot gas defrost energy use and heat load. *Id.*

The December 2016 TP final rule removed the method for calculating the defrost energy and defrost heat load of systems with hot gas defrost and established a new method to evaluate hot gas defrost refrigeration systems. That new method treated these hot gas defrost refrigeration systems as if they used electric defrost rather than hot gas defrost. This method relied on the same nominal values for defrost energy use and thermal load that the test procedure prescribes for electric-defrost condensing units that are tested alone. 81 FR 95758, 95774–95777. This approach was modified in the March 2021 hot gas defrost TP final rule that amended the test procedure to rate hot gas defrost unit coolers using modified default values for energy use and heat load contributions that would make their ratings more consistent with those of electric defrost unit coolers. 86 FR 16027. The scope of the March 2021 hot gas defrost TP final rule is limited to unit coolers only. 86 FR 16027, 16030.

a. Moisture Addition

DOE is considering whether using a test method—possibly similar to the one detailed in section C11.3 of AHRI 1250–2009—to measure the energy use associated with the defrosting of frosted coils would provide a reasonably accurate accounting of defrost energy

[32] Heat Transfer Products Group, Hussmann Corporation, and Keeprite Refrigeration, respectively, submitted petitions for waivers and interim waivers for basic models of CO_2 unit coolers used in transcritical booster systems. (HTPG, EERE–2020–BT–WAV–0025, No. 1; Hussmann, EERE–2020–BT–WAV–0026, No. 1; Keeprite, EERE–2020–BT–WAV–0028, No. 1).

[33] In a ''hot gas'' defrost system, high-temperature, high-pressure hot refrigerant gas from the discharge side of the compressor is introduced into the evaporator, where it condenses, thereby releasing latent heat into the evaporator. This heat is used to melt the frost that has accumulated on the outside of the evaporator coil.

usage and savings associated with technologies such as adaptive defrost and hot gas defrost. DOE is also considering adopting a test method to assess and confirm defrost adequacy. Any test method used to measure defrost energy use and adequacy would have to provide consistent, repeatable methods for (1) delivering a frost load to the test coil and (2) measuring the thermal load released into the refrigerated space during the defrost cycle, regardless of the method of defrost (*e.g.,* electric or hot gas defrost), all while ensuring that the procedure provides results reflecting energy usage during a representative average use cycle and not be unduly burdensome to conduct.

In AHRI 1250–2009, the moisture to provide a frost load is introduced through the infiltration of air at 75.2 °F dry-bulb temperature and 64.4 °F wet-bulb temperature into the walk-in freezer at a constant airflow rate that depends on the refrigeration capacity of the tested freezer unit (equations C11 and C12 in section C11.1.1 of AHRI 1250–2009). A key issue with this approach is the difficulty in ensuring repeatable frost development on the unit under test, despite specifying the infiltration air dry-bulb and wet-bulb temperatures. For example, in addition to frost accumulating on the evaporator of the unit under test, frost may also accumulate on the evaporator of other cooling equipment used to condition the room, which could subsequently affect the rate of frost accumulation on the unit under test (by affecting the amount of moisture remaining in the air).

ASHRAE-supported research—including a series of projects exploring frost loads and defrosting dynamics—suggest the possibility of alternative methods of creating a frost load. This work includes ASHRAE Project No. 622–RP ''A Study to Determine Heat Loads Due to Coil Defrosting'' [34] (''622–RP'') and Project No. 1094–RP ''A Study to Determine Heat Loads Due to Coil Defrosting-Phase II'' [35] (''1094–RP''). For the experiments discussed in these reports, the researchers created a frost load by introducing steam directly into the refrigerated space. However, as discussed in 1094–RP, this approach can result in the suspension of ice crystals in the saturated room air and the formation of snow-like frost on the test coils. The researchers found that this snow-like frost degrades refrigeration system performance more, and is more difficult to defrost, than the ice-like frost that forms in sub-saturated air conditions. 622–RP and 1094–RP also observed that during the defrost cycle, a significant portion (a majority for some trials) of the coil frost was sublimated (converted to water vapor) rather than melted. This finding suggests that measuring the quantity of frost melt water mass may be a poor indicator of the frost load, since a significant portion of the frost would not be captured as melt water. DOE is interested in any viable alternate frost load delivery methods that could be used to apply a known and repeatable amount and type of frost.

Issue 38: DOE requests information regarding potential methods of providing a measurable frost load and frost type for defrost testing, including data and information demonstrating the repeatability of such a test. Additionally, DOE requests data and information indicating what a typical frost load and frost type would be—for example, whether the moist air flow of section C11.1.1 of AHRI 1250–2009 provides the appropriate amount of moisture, and if so, whether any data are available to support the use of this quantity. If such data are available, DOE asks that interested parties share it with the agency for further consideration. If such data are currently unavailable, DOE is interested in what kind and amount of testing would be needed to sufficiently validate an appropriate method to evaluate frost loads and frost types during defrost testing.

b. Hot Gas Defrost

Among its various recommendations, the Working Group recommended that DOE modify its current test procedure to account for hot gas defrost system performance. (Term Sheet Recommendation #6). As a result of this recommendation, DOE is interested in obtaining feedback on the most practicable method for measuring or otherwise accounting for hot gas defrost performance.[36] DOE recognizes that in order to assess the energy performance of a defrost cycle, the test procedure must address both the energy consumed and the heat released into the refrigerated space by the defrost system. In general, for electric resistance heating systems, all the electrical energy consumed by the heater is transformed into heat, such that the energy consumed by the heater and the heat released into the space are equivalent. The procedure outlined in AHRI 1250–2009 is based on this principle and estimates the amount of heat released into the space by measuring energy consumption and subtracting the energy associated with frost melt that drains out of the chamber (section C11.1 of AHRI 1250–2009).

Alternatively, for hot gas defrost systems, the heat energy released into the evaporator (in the form of latent heat), and ultimately into the refrigerated space, is greater than the electrical energy used by the compressor to drive the hot gas defrost system. The exact ratio of heat released to electrical energy consumed depends on the efficiency of the specific system design. Therefore, the amount of heat released into the room cannot be estimated by measuring the electrical energy consumption of the heating system. Because the procedure outlined in AHRI 1250–2009 relies on an assumption that the energy consumed by the heater equals the heat released into the space, it is not applicable to hot gas defrost systems. DOE is not aware of a test method that can reliably be used to directly measure the thermal impact of hot gas defrost without a substantial increase in test burden.

Alternatively, DOE could consider the use of a calculation method. In such an approach, rather than measure the heat released into the refrigerated space for the unit-under-test, that heat load would be calculated as a function of the refrigeration system's steady-state capacity. The heat load-to-capacity relationship could be defined based on test data from actual hot gas defrost systems. Under this approach, the energy consumed by the hot gas defrost system could be quantified either by direct testing and measurement, or by using a calculation method, as described for heat load addition. DOE is aware that AHRI has developed a calculation method to represent hot gas defrost heat load and energy use contributions. This method is provided in Section C10.1 of AHRI 1250–2020 and prescribes equations to represent energy use and heat addition associated with defrost for different system configurations (matched-pair, single-package, unit cooler, condensing unit) and with consideration of whether hot gas is used only to defrost the evaporator or

[34] Sherif, S.A., P.J. Mago, and R.S. Theen. *A Study to Determine Heat Loads Due to Coil Defrosting.* 1997. University of Florida: Gainesville, FL. ASHRAE Project No. 622–RP. Report No. UFME/SEECL–9701.

[35] Sherif, S.A., P.J. Mago, and R.S. Theen. *A Study to Determine Heat Loads Due to Coil Defrosting-Phase II.* 2003. University of Florida: Gainesville, FL. ASHRAE Project No. 1094–RP. Report No. UFME/SEECL–200201.

[36] As previously mentioned, the March 2021 hot gas defrost TP final rule updated the defrost energy use and thermal load equations for hot gas defrost unit coolers tested alone to provide a consistent performance evaluation between hot gas defrost and electric defrost unit coolers when tested alone. 86 FR 16027, 16030. However, this approach does not measure or account for actual hot gas defrost thermal load and energy use.

whether it also maintains warm temperatures in the drip pan.

Finally, if DOE were to modify its walk-in test procedure to account for hot gas defrost energy consumption and heat load, DOE would need to determine the types of refrigeration system configurations (*i.e.,* matched-pairs, stand-alone unit coolers, and stand-alone condensing units) to which a hot gas defrost-specific test procedure would apply. For each configuration, DOE would also need to consider which methods (*i.e.,* testing, calculation, or both) would be most appropriate.

Issue 39: DOE requests comment on the specific refrigeration system configurations (*i.e.,* matched-pairs, stand-alone unit coolers, and stand-alone condensing units) to which a hot gas defrost-specific test procedure would apply. DOE requests comment on which methods for determining energy and heat load (*i.e.,* testing, calculation, or both) would be most appropriate for each refrigeration system and why. DOE requests comment on the methods related to hot gas defrost systems in AHRI 1250–2020. Finally, DOE requests data to help quantify the relationship between hot gas defrost heat load addition and energy consumption versus capacity and/or to confirm the relationships provided in the AHRI 1250–2020 test methods for hot gas defrost.

c. Adaptive Defrost

In the December 2016 TP final rule, DOE established a method to address systems with adaptive defrost. That approach requires that the feature be deactivated during compliance testing but allows a manufacturer to account for a unit's improved performance with adaptive defrost activated in its market representations. 81 FR 95758, 95767, 95777, 95790. At the November 4, 2015 Working Group meeting, Southern California Edison expressed concern with the assumption that the overall energy use of traditional defrost systems significantly exceeds adaptive defrost system energy use. Southern California Edison presented data showing that, for a tested adaptive defrost system, the reduction in energy use resulting from reduced defrost frequency is largely offset by an increase in energy use during the refrigeration on-cycle, due to the thermal resistance of the increased frost accumulation (Docket EERE–2015–BT–STD–0016, No. 38 [37]). The data presented by Southern California Edison illustrates just one potential complication in properly addressing the energy use impact of adaptive defrost—specifically, that an adaptive system that waits too long (*i.e.,* when too much frost builds up on the coils) to defrost may significantly affect the on-cycle performance of the refrigeration system. On the other hand, an adaptive system that defrosts too frequently could increase defrost energy use if the defrost frequency is higher than the four defrosts per day that is typical for a conventional timed defrost. The sensitivity of the adaptive defrost savings potential to the magnitude of the moisture load also suggests that a single adaptive defrost test using a constant moisture load may not properly represent this technology's benefits. The test procedure may have to account for the differences in daily and seasonal frosting patterns experienced by installed systems (*e.g.,* frequent air infiltration during business hours and none during non-business hours—or infiltration of warm, moist air in summer and cool, dry air in winter).

Issue 40: DOE requests comment on how the performance of adaptive defrost systems should be accounted for in the walk-in test procedure and which refrigeration systems (*i.e.,* matched-pairs, stand-alone unit coolers, and stand-alone condensing units) should be evaluated under a potential adaptive defrost test procedure. Specifically, DOE requests data showing the performance of adaptive defrost systems relative to non-controlled defrost systems, including impacts to on-cycle operation. DOE requests data demonstrating seasonal and daily frosting patterns for walk-in applications.

5. Off-Cycle Energy Use

As discussed previously, the Working Group recommended that DOE amend its test procedure to address issues related to off-cycle power consumption (Term Sheet Recommendation #6). For walk-in refrigeration systems, the term ''off-cycle'' refers to the period when the compressor is not running and defrost (if applicable) is not active. During the off-cycle, unit cooler fans and other auxiliary equipment will typically run or cycle on and off, thereby consuming energy.

While the current DOE test procedure accounts only for fan power consumption during the off-cycle period, AHRI 1250–2020 includes requirements specific to off-cycle fan power consumption in Section C3.5, which addresses power measurements for unit coolers (including total power to the fan motor(s), pan heaters, and controls) and DCUs, in addition to prescribing off-cycle measurement intervals, operating tolerances and data collection rates. Section C4.2 provides a method for determining off-cycle power consumption. DOE is considering the incorporation of this updated industry test method into its test procedures should a rulemaking be initiated.

Issue 41: DOE requests information and data on whether the off-cycle methods included in AHRI 1250–2020 provide a representative and repeatable measure of the off-cycle power use for matched pairs, single-package systems, and also for unit coolers and/or condensing units tested alone, and if not, what modifications are recommended. DOE also seeks information on other off-cycle mode energy-consuming components that are not currently addressed by AHRI 1250–2020. In addition to identifying all off-cycle mode energy-consuming components, DOE seeks information on the patterns and magnitudes of energy use by each of these components during the off-cycle.

6. Multi-Capacity and Variable-Capacity Condensing Units

In the July 2017 ECS final rule, DOE noted that it expected the majority of refrigeration equipment within the dedicated condensing class to be certified as stand-alone condensing units, with a much smaller number of systems certified as matched-pairs. 82 FR 31808, 31832. However, the current DOE test procedure does not include a method for assessing stand-alone multi- and variable-capacity systems. To address this gap, the Working Group recommended that DOE amend its test procedure to allow for separate ratings of stand-alone variable-capacity condensing units. (Term Sheet Recommendation #6).

Historically, refrigeration systems 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 capacity of the compressor, a single-speed compressor cycles on and off at a particular duty cycle. This cycling behavior introduces inefficiencies due to the surge in power draw experienced at the beginning of each ''on'' cycle, before the compressor reaches steady-state performance. In contrast, variable-capacity systems employ an inverter compressor that can reduce its speed to match the observed cooling load. Accordingly, a variable-speed compressor runs continuously, adjusting its speed up or down as required, thereby avoiding compressor cycling when the full cooling capacity

[37] Working Group Meeting Stakeholder Presentation: Walk-in Refrigeration ASRAC Meeting, available at *https://www.regulations.gov/document?D=EERE-2015-BT-STD-0016-0038.*

of the compressor is not necessary to provide sufficient cooling to the space. Similarly, a multi-capacity compressor can ''unload'' individual cylinders within the compressor, which allows the compressor to remain on, but at a reduced capacity, to more closely match the required cooling load.

The current DOE test procedure measures the performance of a walk-in condensing unit while operating under a full cooling load at a fixed capacity; *i.e.,* the compressor is operated continuously in its ''on'' state. See AHRI 1250–2009, Tables 11 through 14 and Appendix C, section 3.0. While AHRI 1250–2009 and AHRI 1250–2020 both include test methods for multi- and variable-capacity matched pair refrigeration systems, there is no test method for multi- and variable-capacity condensing units when tested alone. As a result, any inefficiencies due to compressor cycling, and any performance benefit associated with part-load operation, are not captured during the DOE test. Consequently, the current test procedure may underestimate the efficiency benefits of multi- and variable-capacity systems. DOE is aware of some multi- or variable-capacity condensing units that are currently available on the market.[38]

Issue 42: DOE requests input on the development of test methods that would more accurately measure the energy use performance—including accounting for the potential efficiency benefits of multi- and variable-capacity systems—both for matched-pair and stand-alone condensing unit testing. DOE seeks data and information showing the potential magnitude of energy savings by reducing cycling losses in these multi and variable-capacity systems. DOE requests market information on whether there are multi- and variable-capacity condensing units available on the market (in addition to those already identified) and the brand name(s) and model numbers of those additional units.

7. Systems for High-Temperature Freezer Applications

In the June 2014 ECS final rule, DOE established equipment classes for medium- and low-temperature walk-in refrigeration systems. 79 FR 32050, 32069–32070. While the terms ''medium-temperature'' and ''low-temperature'' are not explicitly defined, the June 2014 ECS final rule, 2015 ASRAC negotiations, December 2016 TP final rule, and July 2017 ECS final rule all consistently used the term ''medium-temperature'' to refer to walk-in cooler/refrigerator refrigeration systems and the term ''low-temperature'' to refer to walk-in freezer refrigeration systems.

The current test procedure for walk-in refrigeration systems specifies rating conditions of 35 °F for refrigerator systems and −10 °F for freezer systems (see section 5 of AHRI 1250–2009, incorporated by reference at 10 CFR 431.303(b)). The 35 °F and −10 °F rating conditions produce a metric, AWEF, which is generally representative of the medium- and low-temperature refrigeration systems' energy use when installed in walk-in coolers and freezers, respectively. The AWEF metric forms the basis for energy conservation standards for medium- and low-temperature refrigeration systems. However, field usage data indicate that walk-in refrigeration systems operate at a broad range of application temperatures both above and below the respective 35 °F and −10 °F rating points.

As discussed in the December 2016 TP final rule, stakeholders commented that so-called ''high-temperature'' freezer walk-ins, which have an enclosed storage (*i.e.* room) temperature range of 10 °F to 32 °F, are refrigerated with medium-temperature condensing units. 81 FR 95758, 95790. Under the statutory definitions of ''walk-in cooler'' and ''walk-in freezer,'' this equipment would be considered a walk-in freezer because its room temperature is less than or equal to 32 °F 42 U.S.C. 6311(20). Accordingly, these refrigeration systems would be tested using a room temperature of −10 °F, as specified in Appendix C. However, stakeholders commented as to the difficulty these medium-temperature refrigeration systems have in meeting this temperature condition when using lower GWP refrigerants.[39] 81 FR 95758, 95790. Lennox offered data suggesting that medium-temperature units generally perform more efficiently at the 10 °F operating condition (*i.e.,* the low end of the cited ''high-temperature freezer'' temperature range) than low-temperature systems. (Docket EERE–2015–BT–STD–0016, Lennox, No. 89 [40] at pp. 2–5) Lennox suggested that this ''high-temperature freezer'' application may justifiably represent a third class of walk-in refrigeration systems, but also noted the reporting and testing burden that establishing an additional set of classes would incur. In response, DOE noted that manufacturers of equipment that cannot be tested in a way that properly represents their performance characteristics may petition DOE for test procedure waivers, as detailed in 10 CFR 431.401. DOE also indicated that it may consider amending its regulations by establishing new equipment classes and applicable test methods. 81 FR 95758, 95790–95791.

DOE is currently considering how, if at all, to address high-temperature freezer walk-ins, including whether to establish test procedure provisions to specifically address the refrigeration systems serving such equipment. Multiple approaches are under consideration. One approach would allow walk-in manufacturers and contractors to install a medium temperature refrigeration system that is tested and certified based on the standardized 35 °F walk-in cooler temperature (or corresponding refrigerant suction conditions) as a walk-in freezer, if the walk-in refrigeration system is marketed at or above 10 °F. By extension, the approach would also allow representations of performance (*e.g.* capacity, power input) of such medium-temperature refrigeration systems for walk-in temperatures at 10 °F and higher without requiring them to be tested and certified based on the −10 °F low-temperature walk-in test condition. This approach would alleviate the need for a new high-temperature freezer equipment class (thus avoiding the associated certification test burden), while still allowing the potentially more efficient medium temperature refrigeration systems to be used for high temperature freezer applications. (Docket EERE–2015–BT–STD–0016, Lennox, No. 89 at pp. 2–5 (offering data suggesting that medium temperature units generally perform more efficiently at the 10 °F operating condition than low-temperature systems)).

DOE could establish new definitions for the terms ''low-temperature refrigeration system'' and ''medium-temperature refrigeration system,'' that implement this potential structure. For example, ''low-temperature refrigeration system'' could be defined as ''a refrigeration system used to cool the interior of walk-in freezers and maintain a refrigerated room temperature of 10 °F or less,'' while ''medium-temperature refrigeration system'' could be defined

[38] Multi-capacity product information from one manufacturer can be found at *http://www.regulations.gov* Docket No. EERE–2017–BT–TP–0010–0004.

[39] Lennox commented that the industry was moving to low-GWP refrigerants in response to the Environmental Protection Agency final rule under the Significant New Alternatives Policy (''SNAP'') program that prohibited the use of R–404A in certain retail food refrigeration applications, including WICF refrigeration systems starting July 20, 2016. (Docket EERE–2016–BT–TP–0030, Lennox, No. 13 at p. 2) For further discussion of the SNAP rule, see section II.E.8 of this document.

[40] Available at *https://www.regulations.gov/document?D=EERE-2015-BT-STD-0016-0089.*

as ''a refrigeration system used to cool the interior of a walk-in cooler or a walk-in freezer operating above 10 °F.''

Alternatively, another approach would allow medium-temperature refrigeration systems used in high-temperature freezer walk-in applications to be tested and certified at their lowest application temperature conditions. This approach would be similar to that taken for commercial refrigerators, freezers, and refrigerator-freezers, for which manufacturers report the lowest application product temperature, *i.e.* the lowest average compartment temperature at which the equipment is capable of operating during testing (section 2.2 of appendix B to 10 CFR part 431 subpart C). For walk-ins, this concept could be based on the lowest evaporator return air temperature for matched-pair refrigeration systems and the lowest saturated suction temperature (and a suitable corresponding return gas temperature) for condensing units tested separately. This approach would result in ratings for the units in high-temperature freezer applications that are directly representative of field performance, as the refrigeration system would be tested at a representative box temperature for such an application. Further, this approach would not presuppose what the optimal high-temperature freezer operating condition would be, *i.e.,* it avoids selecting a standardized condition that may be unachievable by some units. However, AWEF ratings obtained from the lowest application temperature for different units, which would be rated for different box temperatures, would not be directly comparable. The approach would also add testing and reporting burden associated with the additional test condition.

DOE is also considering a third approach that would establish a single standardized test condition at which high-temperature freezer refrigeration equipment would be tested. This approach would result in AWEF ratings that are slightly less representative of field performance than the lowest application temperature approach, while still creating the potential need to establish a new equipment class (or classes) for low-temperature refrigeration systems. However, under a standardized test condition approach, all high-temperature freezer refrigeration systems would be rated at the same condition, providing directly comparable ratings for models that serve similar applications.

DOE is investigating if and how the calculations used for determining the AWEF of WICF condensing units tested alone and with matched systems would need to be modified for products certified with the latter two approaches discussed previously—for example, whether any potential changes to the specified duty cycle at 95 °F ambient temperature for an outdoor system would be necessary.

Issue 43: DOE requests feedback on the three approaches discussed in this section to address high-temperature freezer walk-ins, as well as any other potential approaches not raised in this RFI.

Issue 44: DOE also requests information that would help inform the development of test procedures for high-temperature freezer refrigeration systems, should such an approach be necessary. Additionally, DOE requests whether there are specific characteristics that distinguish a high-temperature freezer refrigeration system from a medium-temperature refrigeration system, in order to better define this category of equipment.

Issue 45: DOE also requests comment on whether 10 °F is the appropriate lowest end of the application range for equipment used in walk-in high-temperature freezers that cannot be tested using the −10 °F freezer test condition. Furthermore, DOE requests comment on whether all medium-temperature systems (matched-pair, condensing unit, evaporator) can be operated and tested at 10 °F (or equivalent refrigerant suction conditions), or whether there is a wide range at the low-end of the operating range that depends on the design of the system.

Issue 46: Regarding the testing of a medium-temperature refrigeration system in the high-temperature freezer range, DOE requests information on what specified test procedure parameters would need to be altered (and how) in order for the test to be representative of field operation. (In answering, DOE requests that commenters provide the supporting reasons for any suggested recommendations.) DOE requests information on whether a single standardized high-temperature freezer room condition could be appropriate for testing this group of walk-ins, and if so, what such an appropriate temperature would be.

Issue 47: Finally, DOE requests comment on what, if any, changes would be needed in the calculation of AWEF for high-temperature freezer operation, and why.

If DOE were to pursue the lowest application temperature approach or the standardized high-temperature freezer test condition approach, DOE would need to establish certain new default values to calculate the AWEF and net capacity of stand-alone high-temperature freezer dedicated condensing units. Currently, the test procedure provides equations for determining evaporator fan power, defrost energy, and defrost heat load, all of which are used in lieu of matched unit cooler test data (section 3.4.2 of Appendix C).

The current test procedure offers two separate equations that relate the cooling capacity to the evaporator fan power for medium- and low-temperature unit coolers (section 3.4.2.2 of Appendix C). Based on the condensing unit capacity at the medium temperature test condition (35 °F box temperature), using the medium-temperature equation seems to be the most appropriate approach since the condensing units in question would also be certified as medium-temperature condensing units. This approach also assumes that fan energy use at high-temperature freezer conditions will be the same as fan energy use at medium-temperature conditions, since it makes no adjustment in the calculated fan power for the high-temperature freezer application.

Issue 48: DOE requests comment on the appropriateness of using the current medium-temperature refrigeration system default fan input power equation (found at section 3.4.2.2 of Appendix C) to represent the fan input power of high-temperature freezer refrigeration systems. If the current medium-temperature refrigeration system default fan input power equation is not representative of the fan input power for high-temperature freezer refrigeration systems, DOE requests suggestions for a more appropriate equation, or alternative relationships to consider, as well as any relevant data.

In the current test procedure, defrost energy and defrost heat load for stand-alone dedicated condensing units are estimated based on the condenser capacity using an equation in section 3.4.2 of Appendix C. The calculations apply only to freezer models, since they assume that refrigeration systems serving walk-in coolers are not equipped for defrost capability and thus have no defrost energy or heat load. However, medium-temperature refrigeration systems designed for high-temperature freezer applications require defrost capability because frost that collects on the evaporator during the compressor off-cycle will not melt in the sub-freezing walk-in temperature conditions. The energy and heat load of these high-temperature freezer defrost systems may differ significantly from

those of −10 °F freezers. Therefore, proper accounting for defrost of high-temperature freezer refrigeration systems requires developing a modified calculation. The equation found in section 3.4.2.4 of Appendix C used to calculate freezer equipment daily defrost energy use (''DF'') uses as inputs the condenser capacity (''$q_{mix,cd}$'') and the number of defrost cycles per day (''N_{DF}''). The daily defrost heat load (''Q_{DF}'') is directly dependent on DF (see relevant equation in section 3.4.2.5 of Appendix C). DOE anticipates that a calculation of defrost impacts for high-temperature freezers, if adopted, would use similar equations with different magnitudes.

Issue 49: DOE requests information or data that would indicate whether and how the equations used to calculate daily defrost energy use and heat addition in the test procedure should be modified for high-temperature freezer refrigeration systems rated as stand-alone condensing units (*e.g.,* defrost heater wattage and daily energy use as a function of capacity for a 10 °F walk-in temperature). If testing at the lowest application temperature is adopted, DOE requests comment on how the defrost equations should be modified to account for each model being tested at different conditions, and why. DOE requests information on whether frost loads and/or defrost frequency are different for high- temperature freezers than for −10 °F freezers. (DOE requests that commenters include any available supporting information when responding.)

8. Consideration for Refrigerant Glide

The analysis for the June 2014 ECS final rule assumed that the refrigerant R–404A would be used in all new refrigeration equipment meeting the standard. 79 FR 32050, 32074. In its subsequent negotiated rulemaking effort in 2015, WICF Working Group members suggested that DOE revise this approach by accounting for the use of a different refrigerant, R–407A, which was expected to become more commonly used for WICF applications. Consistent with that suggestion, DOE conducted the analysis for the July 2017 ECS final rule using R–407A as the refrigerant. 82 FR 31808, 31835–31836.

On July 20, 2015, the U.S. Environmental Protection Agency (''EPA'') published a final rule under the Significant New Alternatives Policy (''SNAP'') program listing as unacceptable the use of certain hydrofluorocarbons (''HFCs''), including the use of R–404A in WICF refrigeration systems. 80 FR 42870 (''July 2015 EPA SNAP Rule''). In October 2016, the 28th Meeting of the Parties to the Montreal Protocol adopted the Kigali Amendment on HFCs, which, upon ratification, requires parties to the protocol to reduce consumption and production of HFCs.[41] On December 1, 2016, EPA published a final rule (''December 2016 EPA SNAP Rule'') that listed a number of refrigerants for use in certain refrigerant applications as unacceptable, starting January 1, 2023 for cold storage warehouse application, and January 1, 2021 for retail food refrigerant applications. 81 FR 86778. The list of unacceptable refrigerants included R–407A. The validity of the SNAP approach, however, has been the subject of a legal challenge regarding EPA's use of its SNAP authority to require manufacturers to replace HFCs with a substitute substance.

In August 2017, the U.S. Court of Appeals for the District of Columbia Circuit vacated and remanded the July 2015 EPA SNAP Rule to the extent that it required manufacturers to replace HFCs with a substitute substance.[42] *Mexichem Fluor, Inc.* v. *EPA,* 866 F.3d 451 (D.C. Cir. 2017). Subsequently, the December 2016 SNAP Rule was partially vacated by the court.[43] While the United States has not ratified the Kigali Amendment, a significant portion of walk-in refrigeration systems currently use HFC-based refrigerants and may become affected by this Amendment to the Montreal Protocol. DOE plans to consider the potential impact (if any) of both the court's decision and remand as well as the Amendment to the Montreal Protocol on the test procedure issues addressed in this RFI.

Notwithstanding these legal developments, key differences between the refrigerants used in DOE's separate analyses of walk-in refrigeration systems merit discussion. Both R–404A and R–407A are blends of refrigerants that have different boiling points. This means that, unlike pure substances such as water, the temperature of the refrigerant changes as it boils or condenses, because one of the refrigerants in the blend, having a lower boiling point, boils off sooner than the other(s). This phenomenon is called ''glide.'' The refrigerants that make up R–404A have nearly identical boiling points, so this refrigerant has very little glide. In contrast, R–407A undergoes a much more significant temperature change when it boils—the temperature can rise as much as 8 degrees between the saturated liquid condition (the temperature at which a liquid begins to boil, also called the ''bubble point'') and the saturated vapor condition (the temperature at which a vapor begins to condense, also called the ''dew point''). The average of these two temperatures, bubble point and dew point, is called the mid-point temperature.

The current DOE test procedure specifies that test conditions are based on dew point. DOE notes that if the refrigerant condition for a unit cooler is specified by dew point, the average refrigerant temperature would be significantly lower for a high-glide than for a low-glide refrigerant. As mentioned previously, DOE is considering changing its test procedure to be based on a refrigerant-neutral approach. One specific option would be to use the mid-point temperature. However, with walk-in refrigeration systems, the refrigerant entering the unit cooler is typically a two-phase refrigerant with a temperature higher than the bubble point. This scenario results in the average evaporator temperature being slightly greater than a mid-point equal to the average of bubble and dew point temperatures. To account for this difference, DOE could develop an approach to calculate and specify refrigerant temperatures in terms of a ''modified mid-point,'' which would be a calculated value slightly higher than the mid-point of the selected refrigerant.

Issue 50: DOE requests comment on the appropriateness of specifying refrigerant temperatures in terms of mid-point or a modified mid-point, rather than dew point, which is currently used. DOE seeks feedback on potential definitions to use for a modified mid-point temperature as applied to WICF refrigeration system testing. In addition, DOE requests comments on what other factors should be considered when modifying the refrigeration system test conditions from dew point to mid-point or modified mid-point specifications.

III. Submission of Comments

DOE invites all interested parties to submit in writing by the date specified

[41] *http://www.unep.org/ozonaction/Portals/105/documents/7809-e-Factsheet_Kigali_Amendment_to_MP.pdf* (last viewed February 3, 2017).

[42] The vacatur and remand in *Mexichem, Inc.* v. *EPA* was of the July 2015 EPA SNAP Rule and did not directly address the December 2016 EPA SNAP Rule. At issue was EPA's use of its SNAP authority as a means to remove HFCs from the agency's list of acceptable substitutes. On April 27, 2018, EPA published a notice stating that in the near-term it will not apply the HFC listings in the July 2015 final rule pending a rulemaking and that it plans to begin a notice-and-comment rulemaking process to address the remand. 83 FR 18431.

[43] Following the decision in the *Mexichem* case, the court vacated the December 2016 SNAP Rule to the extent it requires manufacturers to replace HFCs that were previously and lawfully installed as substitutes for ozone-depleting substances. Case No. 17–1024 (D.C. Cir. April 5, 2019).

in the **DATES** heading, comments and information on matters addressed in this RFI and on other matters relevant to DOE's early assessment of whether an amended test procedure for walk-in coolers and freezers is warranted and if so, what such amendments should be.

Submitting comments via https://www.regulations.gov. The *https://www.regulations.gov* web page requires 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 *https://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 *https://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 *https://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 *https://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 *https://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. Submit these documents via email. 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.*

IV. 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:

Issue 1: DOE seeks comment on how liquid-cooled refrigeration systems are (or could be) used with respect to walk-in applications. DOE requests comment on whether it should consider establishing a test procedure for liquid-cooled refrigeration systems. If test procedures were considered for liquid-cooled refrigeration systems, DOE requests information on whether there is an industry standard or standards that should be considered.

Issue 2: DOE seeks comment on how wine cellar refrigeration systems should be defined to best represent the conditions under which these systems are designed to operate and to fully distinguish these systems from systems designed to meet safe food storage requirements. Additionally, DOE requests comment on applications other than wine cellar storage for refrigeration systems that are designed to operate at temperatures warmer than typical for coolers and for which testing at 35 °F would be representative of use. If there are such additional applications, DOE seeks information regarding the specific operating requirements (*i.e.,* temperature and humidity) for these systems.

Issue 3: DOE requests comment on the current definition of ''door'' in 10 CFR 431.302. DOE seeks feedback on the terminology of door components used and whether these are consistently interpreted. DOE seeks specific feedback from manufacturers on how they use the term ''door plug'' and whether it is essential to the definition of a WICF ''door''.

Issue 4: DOE requests comment on whether height and width or surface area are distinct attributes that effectively distinguish between passage and freight doors. DOE seeks information on any building codes, standards, or industry practices to support or refute maintaining the dimensions of a door as the defining

characteristic which separates freight and passage doors.

Issue 5: Regarding a door that meets the freight door definition but does so only because it has a multi-door configuration in which the individual component doors each would by themselves not meet the freight door definition, DOE seeks comment on how such doors should be classified, and whether such classification should depend on other factors, such as whether one or more frame members divides the door opening into smaller openings.

Issue 6: DOE seeks comment on whether any attribute, or combination of attributes, other than size, would affect energy use and could be used to distinguish between freight doors and passage doors. If so, DOE requests data and comment on such attributes.

Issue 7: DOE requests comment on the accuracy of the computational method in NFRC 100 to predict U-factor for display and non-display doors. DOE seeks feedback regarding the differences in results (if any) between those obtained using the NFRC 100 computational method and those obtained when conducting physical testing using NFRC 102 for display and non-display doors. DOE is also interested in the magnitude of these differences and whether the computational method can be modified to yield results that more closely match the results obtained from actual physical testing. If manufacturers are aware of other methods to predict U-factor for either display doors or non-display doors besides NFRC 100, DOE requests how the results from these methods compare to physical testing.

Issue 8: DOE seeks information from manufacturers and other interested parties regarding how the industry currently rates individual door models, including the prevalence within the industry of using the computational method from NFRC 100. DOE also requests information on the costs associated with the computational method of NFRC 100 or an alternative computational method compared to physically testing the thermal transmittance of walk-in doors using NFRC 102.

Issue 9: DOE requests comment on what issues, if any, would be present if ASTM C518–17 were to be referenced in the Appendix B test procedure for measuring panel K-factor, or average thermal conductivity. While not exhaustive, primary areas of interest to DOE include any differences between the currently referenced version of the industry standard (ASTM C518–04) and ASTM C518–17 that would result in a difference in the determined R-value and/or test burden (whether an increase or decrease), and if there are such differences, the magnitude of impact to the determined R-value and/or test burden.

Issue 10: DOE requests comment on what issues, if any, would be present if AHRI 1250–2020 were to be referenced in the Appendix C test procedure for measuring walk-in refrigeration system AWEF. While not exhaustive, primary areas of interest to DOE include any differences between the currently referenced version of the industry standard (AHRI 1250–2009) and AHRI 1250–2020 that would result in a difference in the determined AWEF and/or test burden (whether an increase or decrease), and if there are such differences, the magnitude of impact to the determined AWEF and/or test burden.

Issue 11: DOE requests comment on how manufacturers determine surface area for the purpose of evaluating compliance with the standards for both display doors and nondisplay doors. DOE seeks input on any distinction between display doors and nondisplay doors, especially the door frames, which may warrant surface area for each to be determined differently.

Issue 12: DOE seeks feedback on how manufacturers interpret and measure door opening as it relates to prescriptive standards for antisweat heaters, including whether or not manufacturers agree that the door opening considered for antisweat heat should be consistent with the surface area used to determine maximum energy consumption.

Issue 13: DOE requests feedback on specifying the surface area used to determine thermal conduction through a walk-in door from the surface area used to determine the maximum energy consumption of a walk-in door.

Issue 14: DOE seeks comment on whether, and if so how, an option for direct component power measurement could be included in the test procedure or compliance, certification, and enforcement (''CCE'') provisions to allow more accurate accounting for the direct electrical energy consumption of WICF doors. DOE also seeks input on whether specific provisions should be provided for determining power input from the information that is typically provided on nameplates, noting the limitations that were described above.

Issue 15: DOE requests comment on the current PTO values and whether DOE should consider amending any of the current values or adding specific values for additional electrical components, specifically motorized door openers. DOE requests data from field studies or similar sources to support any proposed amendments (or additions) to these PTO values.

Issue 16: DOE seeks feedback on whether the current PTO of 50 percent is appropriate for evaluating direct energy consumption of anti-sweat heaters with controls for walk- in cooler doors marketed for high humidity applications. DOE seeks feedback on the average amount of time per day or per year that anti-sweat heaters with controls are off for these high humidity doors and how this compares to standard (*i.e.,* non-high humidity) walk-in cooler display doors.

Issue 17: DOE seeks feedback on the current EER values specified in Appendix A used to calculate daily energy consumption for walk-in doors and the values used in testing of unit coolers alone, as specified in Appendix C. Specifically, DOE requests comment on which of these sets of EER values is more representative, whether DOE should make the values used for door testing and unit cooler testing consistent with each other, and if so, which of the sets of values should be used.

Issue 18: DOE requests comment on how frequently test laboratories perform each of the calibration procedures referenced in ASTM C1199 and ASTM C1363, *e.g.,* those used to determine calibration coefficients that are used to calculate metering box wall loss and surround panel flanking loss. DOE also requests comment on the magnitude of variation in the calibration coefficients measured during successive calibrations.

Issue 19: DOE requests feedback on whether the tolerances in section 5.3(a)(1) of Appendix A applied to the surface heat transfer coefficients used to measure thermal transmittance are achievable for all walk-in doors and if not, whether the tolerances should be increased or omitted. Specifically, DOE seeks data to support any changes to the tolerances on the surface heat transfer coefficients.

Issue 20: DOE requests comment on how panel thickness is currently measured for determining the panel's R-value per the DOE test procedure, including number of measurements, measurement location, and any steps that are routinely followed for the removal of the protective skins or facers to obtain the full panel thickness. DOE requests that commenters identify any specific guidelines, practices or standardized approaches that are followed, as well as their date of publication, if applicable.

Issue 21: DOE requests comment on how flatness and parallelism of the test specimen surfaces that contact the hot

plate assemblies described in ASTM C518 are typically determined by test laboratories and whether the test procedure should be revised to clarify how to determine these parameters, *e.g.,* what type of instruments are used to measure these values, how many measurements are made for a given specimen, and other details that could affect conclusions regarding compliance with the test procedure.

Issue 22: DOE requests comment on the extent to which manufacturers of insulation specify conditioning for insulation materials that differ from the typical conditioning approach described in ASTM C518. DOE also seeks feedback on whether more than one 24-hour conditioning period is ever needed to complete the conditioning (*i.e.,* the change in specimen mass is less than 1 percent after the first 24 hours of conditioning) for a specimen extracted from a WICF panel or door. Finally, DOE requests information or data on how specimen conditioning times less than or equal to 24 hours impacts the accuracy, repeatability, and representativeness of the test.

Issue 23: DOE requests information about panel construction factors that would affect thermal transmission and the magnitude of the energy efficiency-related impacts of thermal bridges in the panel assembly. Additionally, DOE requests comment on alternative test methods that measure the overall thermal transmittance of walk-in panels and the relative advantages and disadvantages of each. DOE also seeks feedback on the number and location of labs that have the facilities and are qualified to run ASTM C1363–05.

Issue 24: DOE seeks feedback on the current test procedure for display panels in Appendix A and what amendments should be made, if any, to it.

Issue 25: DOE requests comment on whether the single-package system test and calculation methods described in AHRI 1250–2020 provide representative energy use. DOE also requests comment on whether DOE should incorporate by reference AHRI 1250–2020 as the test procedure for single-package systems.

Issue 26: DOE requests any data or calculations quantifying the additional thermal losses associated with testing single-package systems due to the exposure of their cold sides to the exterior air (*i.e.,* surface and infiltration losses). DOE additionally requests comment on whether the AHRI 1250–2020 test methodology for single-package systems fully accounts for these additional losses.

Issue 27: DOE requests comment and data on the use of water, glycol, or other heat transfer liquid in maintaining test compartment temperature using the calorimeter methods referenced in AHRI 1250–2020 for the testing of single-package refrigeration systems. DOE requests comment on whether the description and requirements for calorimetric testing as provided in AHRI 1250–2020 should be modified or enhanced in order to better ensure that measurements are accurate and repeatable.

Issue 28: DOE requests comment on whether calorimeter test methods for single-package systems should implement a pressure-equalizing device, as included in ASHRAE 16–2016. DOE requests information on any additional cost and resource burdens, if any, manufacturers would face when employing these methods to evaluate single-package systems.

Issue 29: DOE seeks comment regarding any alternative test methods not mentioned in this document that could be used to measure single-package system capacity. To the extent that any alternative test methods could be used for this purpose, DOE requests information on their advantages and disadvantages in measuring single-package system capacity.

Issue 30: DOE requests comment on the alternative test procedure for wine cellar walk-in refrigeration systems that it has granted in the interim waivers and waivers listed in Table II.3. DOE additionally seeks comment on whether the alternative test procedure prescribed for the specified basic models identified in the waivers would be appropriate for similar refrigeration equipment.

Issue 31: DOE requests feedback on its approach for testing ducted units in its alternate test procedure for wine cellar refrigeration systems. Specifically, DOE requests comment and supporting data on whether testing at 50 percent of maximum ESP provides representative performance values, or whether other fractions of maximum ESP may be more appropriate. Additionally, DOE seeks comment on other industry test methods that include the testing of ducted units. Finally, DOE is interested in other alternative approaches for testing ducted units that have been demonstrated to provide repeatable and representative results.

Issue 32: DOE requests data and information on appropriate EER values for use in calculating AWEF for wine cellar unit coolers tested alone, and how these EER values might depend on refrigerant and/or capacity. DOE requests that commenters provide background explanation regarding how any such EER recommendations have been developed.

Issue 33: DOESince unit coolers for wine cellar systems are sold alone, DOE seeks information on the characteristics of condensing units that would typically be paired with these unit coolers (*e.g.,* make/model, compressor style, capacity range, manufacturers).

Issue 34: DOE seeks comment on whether, and if so how, it should modify its definitions for ''single-packaged dedicated system'' and ''unit cooler'' to address units that are designed to be installed with ducts.

Issue 35: DOE requests comment on any other issues regarding testing of wine cellar refrigeration systems that may not be fully addressed by the current DOE test procedure.

Issue 36: DOE requests comment on test conditions that would be most appropriate for evaluating the energy use of CO^2 unit coolers. Additionally, DOE requests feedback on any additional changes that would need to be made to the DOE test procedure to accurately evaluate energy use of these systems, while minimizing test burden.

Issue 37: DOE requests comment on the present and future expected use of walk-in refrigeration systems using CO_2. DOE requests specific information about these systems that would suggest a need to modify the DOE test procedure to address such equipment. Specifically, DOE requests information on whether such equipment is sold in the U.S., whether this equipment is sold as matched pairs or individual components, and to what extent dedicated condensing units are configured to supply subcritical liquid (rather than supercritical gas) to the unit coolers.

Issue 38: DOE requests information regarding potential methods of providing a measurable frost load and frost type for defrost testing, including data and information demonstrating the repeatability of such a test. Additionally, DOE requests data and information indicating what a typical frost load and frost type would be—for example, whether the moist air flow of section C11.1.1 of AHRI 1250–2009 provides the appropriate amount of moisture, and if so, whether any data are available to support the use of this quantity. If such data are available, DOE asks that interested parties share it with the agency for further consideration. If such data are currently unavailable, DOE is interested in what kind and amount of testing would be needed to sufficiently validate an appropriate method to evaluate frost loads and frost types during defrost testing.

Issue 39: DOE requests comment on the specific refrigeration system configurations (*i.e.,* matched-pairs,

stand-alone unit coolers, and stand-alone condensing units) to which a hot gas defrost-specific test procedure would apply. DOE requests comment on which methods for determining energy and heat load (*i.e.,* testing, calculation, or both) would be most appropriate for each refrigeration system and why. DOE requests comment on the methods related to hot gas defrost systems in AHRI 1250- 2020. Finally, DOE requests data to help quantify the relationship between hot gas defrost heat load addition and energy consumption versus capacity and/or to confirm the relationships provided in the AHRI 1250–2020 test methods for hot gas defrost.

Issue 40: DOE requests comment on how the performance of adaptive defrost systems should be accounted for in the walk-in test procedure and which refrigeration systems (*i.e.,* matched-pairs, stand-alone unit coolers, and stand-alone condensing units) should be evaluated under a potential adaptive defrost test procedure. Specifically, DOE requests data showing the performance of adaptive defrost systems relative to non-controlled defrost systems, including impacts to on-cycle operation. DOE requests data demonstrating seasonal and daily frosting patterns for walk-in applications.

Issue 41: DOE requests information and data on whether the off-cycle methods included in AHRI 1250–2020 provide a representative and repeatable measure of the off-cycle power use for matched pairs, single-package systems, and also for unit coolers and/or condensing units tested alone, and if not, what modifications are recommended. DOE also seeks information on other off-cycle mode energy-consuming components that are not currently addressed by AHRI 1250–2020. In addition to identifying all off-cycle mode energy-consuming components, DOE seeks information on the patterns and magnitudes of energy use by each of these components during the off-cycle.

Issue 42: DOE requests input on the development of test methods that would more accurately measure the energy use performance—including accounting for the potential efficiency benefits of multi- and variable-capacity systems—both for matched-pair and stand-alone condensing unit testing. DOE seeks data and information showing the potential magnitude of energy savings by reducing cycling losses in these multi and variable-capacity systems. DOE requests market information on whether there are multi- and variable-capacity condensing units available on the market (in addition to those already identified) and the brand name(s) and model numbers of those additional units.

Issue 43: DOE requests feedback on the three approaches discussed in this section to address high-temperature freezer walk-ins, as well as any other potential approaches not raised in this RFI.

Issue 44: DOE also requests information that would help inform the development of test procedures for high-temperature freezer refrigeration systems, should such an approach be necessary. Additionally, DOE requests whether there are specific characteristics that distinguish a high-temperature freezer refrigeration system from a medium-temperature refrigeration system, in order to better define this category of equipment.

Issue 45: DOE also requests comment on whether 10 °F is the appropriate lowest end of the application range for equipment used in walk-in high-temperature freezers that cannot be tested using the −10 °F freezer test condition. Furthermore, DOE requests comment on whether all medium-temperature systems (matched-pair, condensing unit, evaporator) can be operated and tested at 10 °F (or equivalent refrigerant suction conditions), or whether there is a wide range at the low-end of the operating range that depends on the design of the system.

Issue 46: Regarding the testing of a medium-temperature refrigeration system in the high-temperature freezer range, DOE requests information on what specified test procedure parameters would need to be altered (and how) in order for the test to be representative of field operation. (In answering, DOE requests that commenters provide the supporting reasons for any suggested recommendations.) DOE requests information on whether a single standardized high-temperature freezer room condition could be appropriate for testing this group of walk-ins, and if so, what such an appropriate temperature would be.

Issue 47: Finally, DOE requests comment on what, if any, changes would be needed in the calculation of AWEF for high-temperature freezer operation, and why.

Issue 48: DOE requests comment on the appropriateness of using the current medium-temperature refrigeration system default fan input power equation (found at section 3.4.2.2 of Appendix C) to represent the fan input power of high-temperature freezer refrigeration systems. If the current medium-temperature refrigeration system default fan input power equation is not representative of the fan input power for high-temperature freezer refrigeration systems, DOE requests suggestions for a more appropriate equation, or alternative relationships to consider, as well as any relevant data.

Issue 49: DOE requests information or data that would indicate whether and how the equations used to calculate daily defrost energy use and heat addition in the test procedure should be modified for high-temperature freezer refrigeration systems rated as stand-alone condensing units (*e.g.,* defrost heater wattage and daily energy use as a function of capacity for a 10 °F walk-in temperature). If testing at the lowest application temperature is adopted, DOE requests comment on how the defrost equations should be modified to account for each model being tested at different conditions, and why. DOE requests information on whether frost loads and/or defrost frequency are different for high-temperature freezers than for −10 °F freezers. (DOE requests that commenters include any available supporting information when responding.)

Issue 50: DOE requests comment on the appropriateness of specifying refrigerant temperatures in terms of mid-point or a modified mid-point, rather than dew point, which is currently used. DOE seeks feedback on potential definitions to use for a modified mid-point temperature as applied to WICF refrigeration system testing. In addition, DOE requests comments on what other factors should be considered when modifying the refrigeration system test conditions from dew point to mid-point or modified mid-point specifications.

Signing Authority

This document of the Department of Energy was signed on June 3, 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 June 4, 2021.

Treena V. Garrett,

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

[FR Doc. 2021–12081 Filed 6–16–21; 8:45 am]

BILLING CODE 6450–01–P

FEDERAL REGISTER

Vol. 86 Thursday,
No. 115 June 17, 2021

Part III

The President

Proclamation 10228—World Elder Abuse Awareness Day, 2021

Federal Register
Vol. 86, No. 115
Thursday, June 17, 2021

Presidential Documents

Title 3—

The President

Proclamation 10228 of June 14, 2021

World Elder Abuse Awareness Day, 2021

By the President of the United States of America

A Proclamation

Older Americans make invaluable contributions to our families, our communities, and our Nation every day. But for far too many, the sacred promise of aging with dignity in America is broken by unconscionable incidents of abuse, neglect, or exploitation. On World Elder Abuse Awareness Day, Americans of all ages join the international community to raise awareness and help bring an end to elder abuse.

Elder abuse can take many forms, including financial, emotional, physical, or sexual abuse, as well as exploitation and neglect. Every year, one in ten Americans aged 60 and older experiences abuse—and for every case of elder abuse that comes to the attention of authorities, it is estimated that 23 cases are never brought to light. Since the start of the COVID–19 pandemic, we have also seen a chilling increase in hate crimes targeting Asian-Americans, many of whom have been elders. These attacks are shameful and deeply un-American.

Central to our Nation is the idea that we are all in this together, and that as Americans we owe one another a basic duty of care. The pandemic has both reinforced the importance of that duty and tested our capacity to meet it—the virus has exacerbated the quiet harm of social isolation among seniors around the world, a condition that makes abuse, neglect, and exploitation more likely. Having lost so many cherished seniors to this virus, we must recommit ourselves to fully including older Americans in our communities and systems of support. We must care for one another—and leave no one behind.

With over three-quarters of Americans 65 and over now fully vaccinated and more progress being made every day, the future for seniors is growing brighter and brighter. After a painful year, grandparents around the world are hugging their grandchildren again. Vaccinated seniors who were socially isolated are able to reengage with the broader community again. And as we begin to build back better, we are working to ensure that older Americans have greater opportunities to live with dignity, safety, independence, and social connections.

My Administration is committed to fulfilling that promise. That's why the American Rescue Plan included more than $1.4 billion in additional funding for programs that promote community living and ensure the safety and protection of older adults. The law also enhances the Elder Justice Act and ensures that Adult Protective Services can be used to protect the safety and dignity of all seniors. Additionally, the plan included new Medicaid funding to expand access to critical home and community-based health care services, and over $275 million for elder justice programs that address abuse, neglect, and exploitation. The American Jobs Plan and American Families Plan will further that progress, building up the care infrastructure that our economy and so many families depend on—expanding day programs for seniors, programs that bring care workers to seniors' homes to cook meals, and programs to help seniors get around their home safely and live more independently.

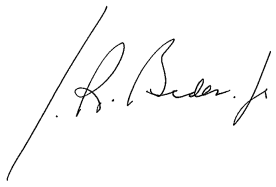
As we expand opportunities for older Americans, my Administration will also not tolerate elder abuse or hate in any form. I have instructed agencies across the Federal Government to do their part to combat elder abuse and support survivors. We are working to renew and strengthen the Violence Against Women Act, which also dedicates Federal funds to develop a more comprehensive approach to addressing abuse and neglect in later life, including through the funding of victim service providers, law enforcement, and prosecutors working to prevent and respond to domestic violence, sexual assault, and stalking experienced by older adults, whether caused by a spouse, family member, caregiver, or others. And this year, for the first time, the Federal Government has provided funding to Adult Protective Services programs in every State and Territory to support their critical, on-the-ground work investigating abuse and connecting victims to resources.

During World Elder Abuse Awareness Day, we also recognize the individuals who dedicate themselves to preventing elder abuse. All across our Nation, caregivers work to help older adults stay connected to their communities while preventing elder abuse and intervening if it occurs. These unsung heroes include family members, Adult Protective Services workers, social service providers, nonprofit victim services organizations, long-term care ombudspersons, law enforcement officers, judges and judicial personnel, legal professionals, health care professionals, and financial professionals.

On World Elder Abuse Awareness Day, we stand with all older Americans, and elderly people around the world, who are victims of elder abuse, neglect, and financial exploitation, and we recommit ourselves to protecting every senior's right to live their golden years with dignity and respect.

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 June 15, 2021, as World Elder Abuse Awareness Day. I call upon all Americans to work for elder justice by building inclusive communities that welcome people of all ages and abilities; by learning the warning signs of elder abuse, neglect, and exploitation; and by challenging age-related biases.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of June, 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. 2021–13019

Filed 6–16–21; 11:15 am]

Billing code 3295–F1–P

Reader Aids

Federal Register

Vol. 86, No. 115

Thursday, June 17, 2021

CUSTOMER SERVICE AND INFORMATION

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications is located at: **www.govinfo.gov.**

Federal Register information and research tools, including Public Inspection List and electronic text are located at: **www.federalregister.gov.**

E-mail

FEDREGTOC (Daily Federal Register Table of Contents Electronic Mailing List) is an open e-mail service that provides subscribers with a digital form of the Federal Register Table of Contents. The digital form of the Federal Register Table of Contents includes HTML and PDF links to the full text of each document.

To join or leave, go to **https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new**, enter your email address, then follow the instructions to join, leave, or manage your subscription.

PENS (Public Law Electronic Notification Service) is an e-mail service that notifies subscribers of recently enacted laws.

To subscribe, go to **http://listserv.gsa.gov/archives/publaws-l.html and select** *Join or leave the list (or change settings);* then follow the instructions.

FEDREGTOC and **PENS** are mailing lists only. We cannot respond to specific inquiries.

Reference questions. Send questions and comments about the Federal Register system to: **fedreg.info@nara.gov**

The Federal Register staff cannot interpret specific documents or regulations.

FEDERAL REGISTER PAGES AND DATE, JUNE

CFR PARTS AFFECTED DURING JUNE

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

17 CFR

200.....31115
240.....31115
242.....29195
249.....31115

18 CFR

37.....29491
38.....29491
154.....29503
260.....29503
284.....29503

19 CFR

12.....31910

21 CFR

130.....31117
131.....31117
1308 .....29506, 30772, 30775, 31427
1310.....30169

22 CFR

22.....31614, 31617
120.....30778
121.....29196
123.....29196
124.....29196
126.....29196
129.....29196
213.....31139
306.....30169

Proposed Rules:

212.....30558

24 CFR

5.....30779
28.....31619
91.....30779
92.....30779
570.....30779
574.....30779
576.....30779
903.....30779

26 CFR

1.....31146, 32185
301.....31146

27 CFR

9 .....32186, 32189, 32191

Proposed Rules:

478.....30826
479.....30826

28 CFR

31.....31152

29 CFR

1473.....29196
2204.....31165
4044.....31619

30 CFR

723.....29509
724.....29509
845.....29509
846.....29509

Proposed Rules:

917.....29709
1206.....31196
1241.....31196

31 CFR

50.....30537, 31620
525.....29197

32 CFR

45.....32194
310.....31430

33 CFR

100.....29691
117.....29204
165 .....30178, 30180, 31166, 31167, 31170, 31431, 31620, 31916, 32215, 32218, 32219

Proposed Rules:

100 .....29711, 30221, 30224, 30851
165 .....29725, 29727, 30228, 30230, 31456, 31459, 31999

34 CFR

685.....31432

37 CFR

351.....31172

38 CFR

5.....30182
9.....30541

39 CFR

Proposed Rules:

20.....29732
111.....29734

40 CFR

1.....31172
9 .....30184, 30190, 30196
30.....29515
49.....31918
51.....29948
52 .....29205, 29517, 29520, 29948, 29949, 30201, 30387, 30543, 30545, 30793, 31918, 31920, 31922, 31924, 31926, 31927
78.....29948
81 .....29522, 30204, 31438
97.....29948
124.....31172
141.....29526, 31939
142.....31939
147.....32221
180 .....29694, 30206, 31948, 31950
261.....31622
271.....29207, 31622
372.....29698
721 .....30184, 30190, 30196, 30210

Proposed Rules:

52 .....29219, 29222, 29227, 30232, 30234, 30854, 31218, 31645, 32006
63.....31225
81.....31460
121.....29541
174.....29229
180.....29229
261.....30237
271.....31233
721.....31239
725.....31239

41 CFR

Proposed Rules:

300–3.....31659
302–2.....31659
302–3.....31659
302–12.....31659
302–15.....31659
302–17.....31659

42 CFR

405.....29526
417.....29526
422.....29526
423.....29526
455.....29526
460.....29526

Proposed Rules:

51c.....32008

43 CFR

3160.....30548
9230.....30548

Proposed Rules

8365.....31665

44 CFR

61.....31177
328.....31448

45 CFR

1225.....30169

47 CFR

1.....30389
27.....30389
54.....30391
64.....29952
73 .....29702, 30550, 31954, 32221
302.....31638

Proposed Rules:

Ch. I.....31464
1.....29735
2.....29735, 30860
27.....29735
52.....31404
64 .....29969, 30571, 31668
73.....32011
87.....30860
90.....30860

48 CFR

Ch. I.....31070, 31075
7.....31070
11.....31074
16.....31073
19.....31074
22.....31074
26.....31074
42.....31074
52.....31074
53.....31074

Proposed Rules:

2.....31468
5.....31468
6.....31468
13.....31468
19.....31468
52.....31468

49 CFR

107.....29528

Proposed Rules:

1180.....30243

50 CFR

17 .....30688, 31830, 31955, 31972
300.....31178
622.....29209, 30393
660.....29210, 30551
665.....32239

Proposed Rules:

17 .....29432, 29975, 30888, 31668, 32241
18.....29364
219.....30080
648.....31262
660.....29544
665.....30582
679.....29977, 31474

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List June 9, 2021

Public Laws Electronic Notification Service (PENS)

PENS is a free email notification service of newly enacted public laws. To subscribe, go to *https://listserv.gsa.gov/cgi-bin/wa.exe?SUBED1=PUBLAWS-L&A=1*

Note: This service is strictly for email notification of new laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.