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Presidential Documents

Title 3—

Memorandum of January 28, 2021

The President

Protecting Women’s Health at Home and Abroad

Memorandum for the Secretary of State[,] the Secretary of Defense[,] the Secretary of Health and Human Services[, and] the Administrator of the United States Agency for International Development

Section 1. Policy. Women should have access to the healthcare they need. For too many women today, both at home and abroad, that is not possible. Undue restrictions on the use of Federal funds have made it harder for women to obtain necessary healthcare. The Federal Government must take action to ensure that women at home and around the world are able to access complete medical information, including with respect to their reproductive health.

In the United States, Title X of the Public Health Services Act (42 U.S.C. 300 to 300a–6) provides Federal funding for family planning services that primarily benefit low-income patients. The Act specifies that Title X funds may not be used in programs where abortion is a method of family planning, but places no further abortion-related restrictions on recipients of Title X funds. See 42 U.S.C. 300a–6. In 2019, the Secretary of Health and Human Services finalized changes to regulations governing the Title X program and issued a final rule entitled “Compliance With Statutory Program Integrity Requirements,” 84 FR 7714 (Mar. 4, 2019) (Title X Rule), which prohibits recipients of Title X funds from referring patients to abortion providers and imposes other onerous requirements on abortion providers. The Title X Rule has caused the termination of Federal family planning funding for many women’s healthcare providers and puts women’s health at risk by making it harder for women to receive complete medical information.

It is the policy of my Administration to support women’s and girls’ sexual and reproductive health and rights in the United States, as well as globally. The Foreign Assistance Act of 1961 (22 U.S.C. 2151b(f)(1)), prohibits non-governmental organizations (NGOs) that receive Federal funds from using those funds “to pay for the performance of abortions as a method of family planning, or to motivate or coerce any person to practice abortions.” The August 1984 announcement by President Reagan of what has become known as the “Mexico City Policy” directed the United States Agency for International Development (USAID) to expand this limitation and withhold USAID family planning funds from NGOs that use non-USAID funds to perform abortions, provide advice, counseling, or information regarding abortion, or lobby a foreign government to legalize abortion or make abortion services more easily available. These restrictions were rescinded by President Clinton in 1993, reinstated by President George W. Bush in 2001, and rescinded by President Obama in 2009. President Trump substantially expanded these restrictions by applying the policy to global health assistance provided by all executive departments and agencies (agencies). These excessive conditions on foreign and development assistance undermine the United States’ efforts to advance gender equality globally by restricting our ability to support women’s health and programs that prevent and respond to gender-based violence. The expansion of the policy has also affected all other areas of global health assistance, limiting the United States’ ability to work with local partners around the world and inhibiting their efforts to confront serious health challenges such as HIV/AIDS, tuberculosis, and malaria, among others. Such restrictions on global health assistance are particularly harmful

in light of the coronavirus disease 2019 (COVID-19) pandemic. Accordingly, I hereby order as follows:

Sec. 2. Agency Revocations and Other Actions. (a) The Secretary of Health and Human Services shall review the Title X Rule and any other regulations governing the Title X program that impose undue restrictions on the use of Federal funds or women's access to complete medical information and shall consider, as soon as practicable, whether to suspend, revise, or rescind, or publish for notice and comment proposed rules suspending, revising, or rescinding, those regulations, consistent with applicable law, including the Administrative Procedure Act.

(b) The Presidential Memorandum of January 23, 2017 (The Mexico City Policy), is revoked.

(c) The Secretary of State, the Secretary of Defense, the Secretary of Health and Human Services, the Administrator of USAID, and appropriate officials at all other agencies involved in foreign assistance shall take all steps necessary to implement this memorandum, as appropriate and consistent with applicable law. This shall include the following actions with respect to conditions in assistance awards that were imposed pursuant to the January 2017 Presidential Memorandum and that are not required by the Foreign Assistance Act or any other law:

(i) immediately waive such conditions in any current grants;

(ii) notify current grantees, as soon as possible, that these conditions have been waived; and

(iii) immediately cease imposing these conditions in any future assistance awards.

(d) The Secretary of State, the Secretary of Defense, the Secretary of Health and Human Services, and the Administrator of USAID, as appropriate and consistent with applicable law, shall suspend, revise, or rescind any regulations, orders, guidance documents, policies, and any other similar agency actions that were issued pursuant to the January 2017 Presidential Memorandum.

(e) The Secretary of State and the Secretary of Health and Human Services, in a timely and appropriate manner, shall withdraw co-sponsorship and signature from the Geneva Consensus Declaration (Declaration) and notify other co-sponsors and signatories to the Declaration and other appropriate parties of the United States' withdrawal.

(f) The Secretary of State, consistent with applicable law and subject to the availability of appropriations, shall:

(i) take the steps necessary to resume funding to the United Nations Population Fund; and

(ii) work with the Administrator of USAID and across United States Government foreign assistance programs to ensure that adequate funds are being directed to support women's health needs globally, including sexual and reproductive health and reproductive rights.

(g) The Secretary of State, in coordination with the Secretary of Health and Human Services, shall provide guidance to agencies consistent with this memorandum.

Sec. 3. General Provisions. (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

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

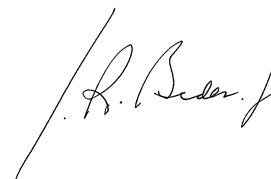
(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

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

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by

any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) The Secretary of State is authorized and directed to publish this memorandum in the *Federal Register*.

A handwritten signature in black ink, appearing to read "R. B. Biden, Jr.", written in a cursive style.

THE WHITE HOUSE,
Washington, January 28, 2021

Rules and Regulations

Federal Register

Vol. 86, No. 119

Thursday, June 24, 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 AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 457

[Docket ID FCIC–21–0004]

RIN 0563–AC72

Common Crop Insurance Regulations; Dry Pea Crop Insurance Provisions and Dry Beans Crop Insurance Provisions

AGENCY: Federal Crop Insurance Corporation, U.S. Department of Agriculture (USDA).

ACTION: Final rule with request for comments.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) amends the Common Crop Insurance Regulations, Dry Bean Crop Insurance Provisions and Dry Pea Crop Insurance Provisions. For the Dry Bean Crop Insurance Provisions and Dry Pea Crop Insurance Provisions, the intended effect of this action is to allow enterprise and optional units by type, to clarify policy provisions, and for consistency with other crop provisions that offer coverage on both winter and spring-planted acreage of the crop. The changes will be effective for the 2022 and succeeding crop years.

DATES: *Effective date:* June 24, 2021.

Comment date: We will consider comments that we receive by the close of business August 23, 2021. FCIC may consider the comments received and may conduct additional rulemaking based on the comments.

ADDRESSES: We invite you to submit comments on this rule. You may submit comments by either of the following methods, although FCIC prefers that you submit comments electronically through the Federal eRulemaking Portal:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and search for Docket ID FCIC–21–0004. Follow the instructions for submitting comments.

- *Mail:* Director, Product Administration and Standards Division, Risk Management Agency (RMA), U.S. Department of Agriculture, P.O. Box 419205, Kansas City, MO 64133–6205. In your comment, specify docket ID FCIC–21–0004.

Comments will be available for viewing online at www.regulations.gov.

FOR FURTHER INFORMATION CONTACT: Francie Tolle; telephone (816) 926–7829; or email Francie.Tolle@usda.gov. Persons with disabilities who require alternative means for communication should contact the USDA Target Center at (202) 720–2600 or 844–433–2774 (toll-free nationwide).

SUPPLEMENTARY INFORMATION:

Background

The FCIC serves America's agricultural producers through effective, market-based risk management tools to strengthen the economic stability of agricultural producers and rural communities. FCIC is committed to increasing the availability and effectiveness of Federal crop insurance as a risk management tool. Approved Insurance Providers (AIP) sell and service Federal crop insurance policies in every state through a public-private partnership. FCIC reinsures the AIPs who share the risks associated with catastrophic losses due to major weather events. FCIC's vision is to secure the future of agriculture by providing world class risk management tools to rural America.

FCIC amends the Common Crop Insurance Regulations by revising 7 CFR 457.140, Dry Pea Crop Insurance Provisions, and by revising 7 CFR 457.150, Dry Bean Crop Insurance Provisions, to be effective for the 2022 and succeeding crop years.

For both 7 CFR 457.140, Dry Pea Crop Insurance Provisions, and 7 CFR 457.150, Dry Bean Crop Insurance Provisions, FCIC is allowing separate enterprise units by type.

Crop insurance units are an identifiable, insurable segment of land on which an insurable crop is grown, and separate production records have been kept. Enterprise units are all insurable acreage of an insured crop in the county in which the insured has a share on the date coverage begins for the crop year. Allowing separate enterprise units allows producers to be indemnified separately by type. The

benefit for producers is that a gain on one type will not be offset by the loss on another type. Currently, optional units by type are available for all types listed in the actuarial documents.

If an insured elects enterprise units for these types, further division of enterprise units is not allowed. The insured may elect one enterprise unit for all types, or a combination of types (for example, under the Dry Peas Crop Provisions, the insured may elect an enterprise unit for spring and smooth green types and a separate enterprise unit for the Austrian type, or separate enterprise units for each). Additionally, the acreage must each separately qualify for enterprise units and will be subject to the current requirements in the Basic Provisions.

If an insured elects enterprise units for multiple types and does not qualify for separate enterprise units, there are options based on the timing of the discovery:

- If the insured elects separate enterprise units for multiple types and the AIP discovers the enterprise unit qualifications are not separately met for all types:

(1) On or before the acreage reporting date, the insured may elect:

(a) All types in which the insured elected an enterprise unit for meeting the requirements in section 34(a)(4) as separate enterprise units, and basic or optional units for any acreage that is not reported and insured as an enterprise unit, whichever the insured reports on the acreage report and for which the insured qualifies;

(b) One enterprise unit for all acreage of the crop in the county provided the insured meets the requirements in section 34(a)(4); or

(c) Basic or optional units for all acreage of the crop in the county, whichever the insured reports on the acreage report and for which the insured qualifies.

(2) After acreage reporting date, the insured may have one enterprise unit comprised of all acreage in the county of the crop provided the insured meets requirements in section 34(a)(4), or the AIP will assign a basic unit structure for all acreage of the crop in the county.

- If an insured elects an enterprise unit for only one type and the AIP discovers the enterprise unit qualifications are not met for that type:

(1) On or before the acreage reporting date, the insured's unit division for all

acreage of the crop in the county will be based on basic or optional units, whichever the insured reports on the acreage report and for which the insured qualifies; or

(2) After the acreage reporting date, the AIP will assign the basic unit structure for all acreage of the crop in the county.

FCIC is also revising the first sentence in redesignated paragraph (b) to eliminate the need to list all optional unit choices from the Basic Provisions. This allows the Dry Pea Crop Provisions and Dry Bean Crop Provisions to follow, without a new regulation, the Basic Provisions optional unit division language when and if those provisions in the Basic Provisions are updated.

FCIC is adding a new paragraph (c) to state that if types are only available by written agreement, separate enterprise units or optional units for those types are not available. This is consistent with enterprise unit and optional unit provisions in other Crop Provisions, such as Coarse Grains Crop Provisions.

Other changes specific to 7 CFR 457.140, Dry Pea Crop Insurance Provisions, are as follows:

1. Throughout the Crop Provisions, FCIC is removing the reference to United States Standards for Split Peas. The standards for Split Peas are used by processors but are not applicable to producers.

2. Section 1—FCIC is revising the definition of Local Market Price by removing the reference to United States Standards for Split Peas. Producers, grower groups, buyers, and GIPSA graders have stated that the Split Pea Standards only apply to processors and not to growers. Therefore, FCIC is removing the Split Pea references to reduce any potential confusion for growers.

3. Section 2—FCIC is designating the undesignated paragraph in section 2 as paragraph (b) and adding a new paragraph (a) to allow enterprise and optional units by type, regardless of whether the type is listed in the actuarial documents or the type is insured by written agreement.

4. Section 3—FCIC is revising paragraphs (c)(1) and (2) to replace the phrase “insured fall-planted dry pea acreage” with the phrase “insurable fall-planted dry pea acreage.” Paragraph (c) provides guidance regarding the date by which producers can make changes to their insurance coverage depending on the status of their fall-planted acreage. The provisions previously stated that if producers have “insured” fall-planted acreage, no changes can be made after the fall sales closing date. FCIC received input from insurance companies that

the phrase “insured fall planted acreage” implied that if producers planted fall-planted acreage but chose not insure it, then they would have until the spring sales closing date to make changes to the insurance coverage on the spring-planted acreage. That was not the intent of the provisions. All acreage of the crop in the county must be insured. If the producer plants fall-planted acreage and it meets the insurability requirements in section 6, then it must be insured. Therefore, FCIC is revising the language to indicate if producers planted “insurable” fall-planted acreage, then no changes may be made after the fall sales closing date.

Other changes to 7 CFR 457.150, Dry Bean Crop Insurance Provisions, are as follows:

1. Throughout the Crop Provisions, FCIC is removing the Basic Provisions section titles when the section number is a sufficient reference. This is consistent with changes being made in other Crop Provisions.

2. Section 1—FCIC is revising the definition of Type to allow enterprise and optional units for types insured by written agreement. Written agreements in this instance would allow producers to insure dry beans that would otherwise not be insurable based on an insurance offer unique to that producer. This change would address optional units (as well as enterprise units by type) when the producer has a written agreement providing coverage for a type not shown in the actuarial documents of the county in question. It also would give producers the same coverage available in the Dry Pea Crop Provisions and provide equitable treatment.

3. Section 2—FCIC is designating the undesignated paragraph in section 2 as paragraph (b) and adding a new paragraph (a) to allow enterprise and optional units by type, as described above.

Effective Date, Notice and Comment, and Exemptions

The Administrative Procedure Act (APA, 5 U.S.C. 553) provides that the notice and comment and 30-day delay in the effective date provisions do not apply when the rule involves specified actions, including matters relating to contracts. This rule governs contracts for crop insurance policies and therefore falls within that exemption.

This rule is exempt from the regulatory analysis requirements of the Regulatory Flexibility Act (5 U.S.C. 601–612), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996.

For major rules, the Congressional Review Act requires a delay the

effective date of 60 days after publication to allow for Congressional review. This rule is not a major rule under the Congressional Review Act, as defined by 5 U.S.C. 804(2). Therefore, this final rule is effective on the date of publication in the **Federal Register**. Although not required by APA or any other law, FCIC has chosen to request comments on this rule.

Executive Orders 12866 and 13563

Executive Order 12866, “Regulatory Planning and Review,” and Executive Order 13563, “Improving Regulation and Regulatory Review,” 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, distributive impacts, and equity). Executive Order 13563 emphasized the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. The requirements in Executive Orders 12866 and 13563 for the analysis of costs and benefits apply to rules that are determined to be significant.

The Office of Management and Budget (OMB) designated this rule as not significant under Executive Order 12866, “Regulatory Planning and Review,” and therefore, OMB has not reviewed this rule and analysis of the costs and benefits is not required under either Executive Order 12866 or 13563.

Clarity of the Regulation

Executive Order 12866, as supplemented by Executive Order 13563, requires each agency to write all rules in plain language. In addition to your substantive comments on this rule, we invite your comments on how to make the rule easier to understand. For example:

- Are the requirements in the rule clearly stated? Are the scope and intent of the rule clear?
- Does the rule contain technical language or jargon that is not clear?
- Is the material logically organized?
- Would changing the grouping or order of sections or adding headings make the rule easier to understand?
- Could we improve clarity by adding tables, lists, or diagrams?
- Would more, but shorter, sections be better? Are there specific sections that are too long or confusing?
- What else could we do to make the rule easier to understand?

Environmental Review

In general, the environmental impacts of rules are to be considered in a manner consistent with the provisions of the National Environmental Policy Act (NEPA, 42 U.S.C. 4321–4347) and the regulations of the Council on Environmental Quality (40 CFR parts 1500–1508). FCIC conducts programs and activities that have been determined to have no individual or cumulative effect on the human environment. As specified in 7 CFR 1b.4, FCIC is categorically excluded from the preparation of an Environmental Analysis or Environmental Impact Statement unless the FCIC Manager (agency head) determines that an action may have a significant environmental effect. The FCIC Manager has determined this rule will not have a significant environmental effect. Therefore, FCIC will not prepare an environmental assessment or environmental impact statement for this action and this rule serves as documentation of the programmatic environmental compliance decision.

Executive Order 12988

This rule has been reviewed under Executive Order 12988, “Civil Justice Reform.” This rule will not preempt State or local laws, regulations, or policies unless they represent an irreconcilable conflict with this rule. Before any judicial actions may be brought regarding the provisions of this rule, the administrative appeal provisions of 7 CFR part 11 are to be exhausted.

Executive Order 13175

This rule has been reviewed in accordance with the requirements of Executive Order 13175, “Consultation and Coordination with Indian Tribal Governments.” Executive Order 13175 requires Federal agencies to consult and coordinate with Tribes on a government-to-government basis on policies that have Tribal implications, including regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects 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.

RMA has assessed the impact of this rule on Indian Tribes and determined that this rule does not, to our knowledge, have Tribal implications that require Tribal consultation under E.O. 13175. The regulation changes do not have Tribal implications that

preempt Tribal law and are not expected have a substantial direct effect on one or more Indian Tribes. If a Tribe requests consultation, RMA will work with the USDA Office of Tribal Relations to ensure meaningful consultation is provided where changes, additions and modifications identified in this rule are not expressly mandated by Congress.

The Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA, Pub. L. 104–4) requires Federal agencies to assess the effects of their regulatory actions of State, local, and Tribal governments or the private sector. Agencies generally must prepare a written statement, including cost benefits analysis, for proposed and final rules with Federal mandates that may result in expenditures of \$100 million or more in any 1 year for State, local or Tribal governments, in the aggregate, or to the private sector. UMRA generally requires agencies to consider alternatives and adopt the more cost effective or least burdensome alternative that achieves the objectives of the rule. This rule contains no Federal mandates, as defined in Title II of UMRA, for State, local, and Tribal governments or the private sector. Therefore, this rule is not subject to the requirements of sections 202 and 205 of UMRA.

Federal Assistance Program

The title and number of the Federal Domestic Assistance Program listed in the Catalog of Federal Domestic Assistance to which this rule applies is No. 10.450—Crop Insurance.

Paperwork Reduction Act of 1995

In accordance with the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35, subchapter I), the rule does not change the information collection approved by OMB under control numbers 0563–0053.

USDA Non-Discrimination Policy

In accordance with Federal civil rights law and USDA civil rights regulations and policies, USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family or parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA

(not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (for example, Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA TARGET Center at (202) 720–2600 or 844–433–2774 (toll-free nationwide). Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD–3027, found online at <https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint> and at any USDA office or write a letter addressed to USDA and provide in the letter all the information requested in the form. To request a copy of the complaint form, call (866) 632–9992. Submit your completed form or letter to USDA by mail to: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250–9410 or email: OAC@usda.gov.

USDA is an equal opportunity provider, employer, and lender.

List of Subjects in 7 CFR Part 457

Acreage allotments, Crop insurance, Reporting and recordkeeping requirements.

Final Rule

For the reasons discussed above, FCIC amends 7 CFR part 457 as follows:

PART 457—COMMON CROP INSURANCE REGULATIONS

■ 1. The authority citation for 7 CFR part 457 continues to read as follows:

Authority: 7 U.S.C. 1506(l), 1506(o).

■ 2. Amend § 457.140 as follows:

■ a. In the introductory text, remove “2021” and add in its place “2022”;

■ b. In section 1, in the definition of “Local Market Price”, remove the term “Split Peas,”;

■ c. Revise section 2;

■ d. In section 3, in paragraphs (c)(1) and (2), remove the word “insured” and add in its place “insurable”; and

■ e. In section 13, in paragraph (e)(2)(i), remove the phrase “Split Peas,”.

The revision reads as follows:

§ 457.140 Dry pea crop insurance provisions.

* * * * *

2. Unit Division.

(a) In addition to enterprise units provided in section 34(a) of the Basic

Provisions, you may elect separate enterprise units by type, as provided in this section, if allowed by the actuarial documents. If you elect enterprise units by type, you may not elect enterprise or optional units by irrigation practices.

(1) You may elect separate enterprise units by type unless otherwise specified in the Special Provisions. For example, if you have Spring Austrian Peas and Spring Desi Chickpea types, you may elect one enterprise unit for the Spring Austrian Peas type or one enterprise unit for the Spring Desi Chickpeas type, or separate enterprise units for both types. Any acreage which is not reported and insured as an enterprise unit will be insured as a basic unit or optional unit if requirements are met. For example, if you only have Spring Austrian Peas and Spring Desi Chickpea types, you may have an enterprise unit for the Spring Austrian Peas type acreage and basic or optional units for the Spring Desi Chickpeas type acreage.

(2) You must separately meet the requirements in section 34(a)(4) of the Basic Provisions for each enterprise unit.

(3) If you elected separate enterprise units for multiple types and we discover enterprise unit qualifications are not separately met for all types in which you elected enterprise unit and such discovery is made:

(i) On or before the acreage reporting date, you may elect to insure:

(A) All types in which you elected an enterprise unit for meeting the requirements in section 34(a)(4) as separate enterprise units, and basic or optional units for any acreage that is not reported and insured as enterprise unit, whichever you report on your acreage report and for which you qualify;

(B) One enterprise unit for all acreage of the crop in the county provided you meet the requirements in section 34(a)(4); or

(C) Basic or optional units for all acreage of the crop in the county, whichever you report on your acreage report and for which you qualify; or

(ii) At any time after the acreage reporting date, your unit structure will be one enterprise unit for all acreage of crop in the county provided you meet the requirements in section 34(a)(4). Otherwise, we will assign the basic unit structure for all acreage of crop in the county.

(4) If you elected an enterprise unit for only one type and we discover you do not qualify for an enterprise unit for that type and such discovery is made:

(i) On or before the acreage reporting date, your unit division for all acreage of the crop in the county will be based on basic or optional units, whichever

you report on your acreage report and for which you qualify; or

(ii) At any time after the acreage reporting date, we will assign the basic unit structure for all acreage of the crop in the county.

(b) In addition to, or instead of, establishing optional units as provided in section 34(c) in the Basic Provisions, separate optional units may be established for each dry pea type (designated in actuarial documents and including any type insured by written agreement).

(c) Enterprise and optional units by type may be further divided by acreage of contract seed types and dry pea types not grown under a processor/seed company contract even if they share a common variety provided each dry pea type is grown on separate acreage and the production is kept separate.

* * * * *

■ 3. Amend § 457.150 as follows:

■ a. In the introductory text, remove “2017” and add “2022” in its place;

■ b. In section 1, in the definition of “Type”, add the phrase “or insured by written agreement” at the end of the definition;

■ c. Revise section 2;

■ d. In section 3, in paragraph (a), remove the phrase “(Insurance Guarantees, Coverage Levels, and Prices for Determining Indemnities)”;

■ e. In section 4, remove the phrase “(Contract Changes)”;

■ f. In section 5, remove the phrase “(Life of Policy, Cancellation, and Termination)”;

■ g. In section 6, remove the phrase “(Report of Acreage)”;

■ h. In section 7, in paragraph (a) introductory text:

■ i. Remove the phrase “(Insured Crop)”;

■ ii. Add a space between “Basic Provisions” and “(§ 457.8)”;

■ i. In section 8, introductory text, remove the phrase “(Insurable Acreage)”;

■ j. In section 9, introductory text, remove the phrase “(Insurance Period)”;

■ k. In section 10, introductory text, remove the phrase “(Causes of Loss)”;

■ l. In section 11:

■ i. In paragraph (a), remove the phrase “(Replanting Payment)”;

■ ii. In paragraph (d), remove the phrases “(Insurance Guarantees, Coverage Levels, and Prices for Determining Indemnities)” and “(Annual Premium)”;

■ m. In section 12, remove the phrase “(Duties in the Event of Damage or Loss)”.

The revision reads as follows:

§ 457.150 Dry bean crop insurance provisions.

* * * * *

2. Unit Division.

(a) In addition to the definition of basic unit in section 1 of the Basic Provisions, all acreage of contract seed beans qualifies as a separate basic unit. For production based seed bean processor contracts, the basic unit will consist of all the acreage needed to produce the amount of production under contract, based on the actual production history of the acreage. For acreage based seed bean processor contracts, the basic unit will consist of all acreage specified in the contract.

(b) In addition to enterprise units provided in section 34(a) of the Basic Provisions, you may elect separate enterprise units by type, as provided in this section, if allowed by the actuarial documents. If you elect enterprise units by type, you may not elect enterprise or optional units by irrigation practices.

(1) You may elect separate enterprise units by type unless otherwise specified in the Special Provisions. For example, if you have Great Northern and Pinto types, you may elect one enterprise unit for the Great Northern type or one enterprise unit for the Pinto type, or separate enterprise units for both types. Any acreage which is not reported and insured as an enterprise unit will be insured as a basic unit or optional unit if requirements are met. For example, if you only have Great Northern and Pinto types, you may have an enterprise unit for the Great Northern type acreage and basic or optional units for the Pinto type acreage.

(2) You must separately meet the requirements in section 34(a)(4) of the Basic Provisions for each enterprise unit by type.

(3) If you elected separate enterprise units for multiple types and we discover enterprise unit qualifications are not separately met for all types in which you elected enterprise units and such discovery is made:

(i) On or before the acreage reporting date, you may elect to insure:

(A) All types in which elected an enterprise unit for meeting the requirements in section 34(a)(4) as separate enterprise units, and basic or optional units for any acreage that is not reported and insured as an enterprise unit, whichever you report on your acreage report and for which you qualify;

(B) One enterprise unit for all acreage of the crop in the county provided you meet the requirements in section 34(a)(4); or

(C) Basic or optional units for all acreage of the crop in the county,

whichever you report on your acreage report and for which you qualify; or

(ii) At any time after the acreage reporting date, your unit structure will be one enterprise unit for all acreage of the crop in the county provided you meet the requirements in section 34(a)(4). Otherwise, we will assign the basic unit structure for all acreage of the crop in the county.

(4) If you elected an enterprise unit for only one type and we discover you do not qualify for an enterprise unit for that type and such discovery is made:

(i) On or before the acreage reporting date, your unit division for all acreage of the crop in the county will be based on basic or optional units, whichever you report on your acreage report and for which you qualify; or

(ii) At any time after the acreage reporting date, we will assign the basic unit structure for all acreage of the crop in the county.

(c) In addition to, or instead of, establishing optional units as provided in section 34(c) in the Basic Provisions, a separate optional unit may be established for each bean type (designated in actuarial documents and including any type insured by written agreement).

(d) Enterprise and optional units by type may be further divided by acreage of contract seed beans if the seed bean processor contract specifies the number of acres under contract. Contract seed beans produced under a seed bean processor contract that specifies only an amount of production or a combination of acreage and production, are not eligible for separate enterprise or optional units.

* * * * *

Richard Flournoy,

Acting Manager, Federal Crop Insurance Corporation.

[FR Doc. 2021-13115 Filed 6-23-21; 8:45 am]

BILLING CODE 3410-08-P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Part 310

[Docket No. FSIS-2020-0005]

RIN 0583-AD81

Elimination of the Requirement To Defibrinate Livestock Blood Saved as an Edible Product

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The Food Safety and Inspection Service (FSIS) is removing from the Federal meat inspection regulations a requirement for the defibrination of livestock blood saved as an edible product. Defibrination is the process for removing the protein fibrin, which causes blood to clot. Removal of the defibrination requirement will not affect food safety, but it will allow the industry to meet a demand for non-defibrinated blood products.

DATES: This rule is effective August 23, 2021.

FOR FURTHER INFORMATION CONTACT:

Rachel Edelstein, Assistant Administrator, Office of Policy and Program Development, FSIS; Telephone: (202)-205-0495.

SUPPLEMENTARY INFORMATION:

Background

On June 1, 2020, FSIS proposed to remove from the Federal meat inspection regulations a provision requiring the defibrination of livestock blood saved as edible product (85 FR 33031). The Agency stated in the proposed rule that eliminating the requirement, along with its associated costs to industry, would not affect food safety, but would enable industry to meet a demand for non-defibrinated blood products.

FSIS noted in the proposal that, before 1974, the regulations allowed establishments to collect edible blood from all livestock, except swine. However, in 1974, the Agency promulgated 9 CFR 310.20, which removed the swine blood prohibition, finding that it was not necessary for food safety (39 FR 1973, January 16, 1974). In the 1974 rule, the Agency also reasoned that the prohibition was burdensome, in that it denied specialty food producers a source of swine blood for their products.

Also, FSIS explained in the proposed rule that there had been no substantive changes governing the saving of livestock blood since 1974. Since that time, 9 CFR 310.20 has allowed establishments to save edible blood from all livestock, including swine, provided the animals' carcasses are inspected and passed and the blood is collected, *defibrinated*, and handled in a manner to prevent its becoming adulterated under the FMIA.

FSIS examined the peer-reviewed literature on coagulated, *i.e.*, non-defibrinated, blood and did not identify any scientifically supportable food safety concerns. Thus, FSIS believes coagulated blood, like fluid blood, is safe for human consumption, provided the blood is saved from inspected and

passed animals, and the blood is otherwise produced and prepared in compliance with all other FSIS regulations. Therefore, FSIS believes the defibrination requirement is not necessary to ensure food safety in accordance with the FMIA.²

Furthermore, as is explained in the proposed rule, FSIS has become aware that some establishments are interested in collecting coagulated blood for use in human food products, including specialty and ethnic food products, that require coagulated blood as an ingredient. Such foods include variations of blood sausage, blood pudding, and blood tofu. The current defibrination requirement denies specialty and ethnic food producers a source of coagulated blood, thereby placing an unnecessary economic burden on them and on the livestock slaughter establishments that could provide coagulated blood.

FSIS proposed to remove the defibrination requirement from the Federal meat inspection regulations for many of the same reasons it gave for eliminating the swine blood prohibition in 1974.

Final Rule

This final rule is consistent with the proposed rule. FSIS is making no additional changes to the regulations in response to comments. FSIS is removing the defibrination requirement from 9 CFR 310.20.

Specifically, FSIS is revising the codified regulations to remove the word "defibrinated". Under this final rule, official establishments will still have the option to defibrinate blood, provided they meet all other requirements in 9 CFR 310.20. The regulations will continue to prohibit the defibrination of blood by hand. The regulations will also continue to require the use of anticoagulants that meet cited requirements in title 9 and title 21 of the Code of Federal Regulations.

Comments and Response

Comments: FSIS received two comments on the proposed rule. The first, from an industry association, was in agreement with the Agency's reasons for proposing to eliminate the blood defibrination requirement, including the lack of a food-safety benefit from the requirement and the fact that coagulated

² FSIS Notice 22-19 instructs inspection program personnel on how to verify that edible blood, including coagulated blood, is collected and handled in a manner to be fit for use in human food. FSIS will periodically review data generated by such verification activities to ensure that establishments are following proper food safety practices pertaining to the collection of edible blood.

blood is a key ingredient in certain ethnic cuisines.

The second comment, from an individual, supported the practice of saving undefibrinated livestock blood as an edible product. The comment also underscored the benefits from eliminating the unnecessary costs associated with the defibrination requirement. The commenter stated that although these costs, as calculated in the Agency’s economic analysis, may seem minimal when viewing a single employee performing a single defibrination task, they add up in the course of a year and when considering the number of establishments affected.

Response: FSIS agrees with the commenters and appreciates their support for this deregulatory action.

Executive Orders (E.O.s) 12866 and 13563, and the Regulatory Flexibility Act

E.O.s 12866 and 13563 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, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This final rule has been designated as a “non-significant” regulatory action under section 3(f) of E.O. 12866. Accordingly, the rule has not been reviewed by the Office of Management and Budget (OMB) under E.O. 12866.

FSIS has updated the estimated benefits for this final rule from those published in the proposed rule based on

more recent data. The changes include: A slight increase in the number of askFSIS questions and establishments; updated wage rates for production employees; and updated anti-coagulant solution costs.

Baseline

From October 2015 to December 2, 2020, FSIS received 16 askFSIS³ questions about defibrination from 15 slaughter establishments. Therefore, FSIS assumes that at least 15 establishments will be affected by this final rule.

Expected Costs of the Final Rule

There are no expected costs associated with this final rule. FSIS will allow coagulated blood to be saved for edible purposes.

Expected Benefits of the Final Rule

This final rule will benefit slaughter establishments that manufacture livestock blood and processing establishments that use the blood in their products, such as blood sausage, blood tofu, and blood pudding. This final rule will allow slaughter establishments manufacturing livestock blood for edible purposes to package and sell the item in its customary coagulated form, enhancing the marketability for these niche products. In addition, removing the unnecessary, prescriptive requirements will allow establishments additional flexibility to be innovative and to operate in the most efficient manner.

Removing the regulatory requirement for establishments to defibrinate livestock blood is expected to result in industry cost savings. Establishments will reduce anti-coagulant solution costs and labor costs associated with defibrination.

According to 9 CFR 424.21, sodium citrate is a FSIS-approved anti-coagulant that can be used to defibrinate blood. FSIS estimates that the 2020 sodium citrate solution cost per gallon of blood is \$1.47.⁴ Using askFSIS and Public Health Information System (PHIS)⁵ data, FSIS determined that all 15 establishments that process edible blood are small or very small establishments. FSIS experts estimated that small establishments that process edible blood products process two to five gallons of edible blood per production day. These establishments operate about 213⁶ production days per year, which means that they each process an estimated 426 to 1,065 gallons of edible blood per year. Each of these establishments will save approximately \$1,096 per year, with a range of \$626⁷ to \$1,566⁸ if they no longer defibrinate blood.

Establishments that process edible blood will also benefit from labor cost savings. FSIS experts estimate that it takes one production worker two to five minutes to defibrinate one gallon of livestock blood. FSIS estimated the total compensation rate of a production employee is \$28.46⁹ per hour or approximately \$0.50¹⁰ per minute based on 2019 estimates from the Bureau of Labor Statistics. Each establishment will save approximately \$1,305 in labor costs per year,¹¹ with a range of \$426 to \$2,663 if they no longer defibrinate blood.

FSIS estimated that at least the 15 establishments that submitted askFSIS questions about defibrination from October 2015 to December 2, 2020 will benefit from the cost savings associated with this final rule. The total estimated annual industry cost savings are detailed in Table 1.

TABLE 1—INDUSTRY ANNUAL COST SAVINGS ESTIMATES

	Low	Medium	High
Sodium Citrate Cost Savings/Year	\$9,390	\$16,440	\$23,490

³ askFSIS is a web-based computer application designed to help answer technical and policy-related questions from inspection program personnel, industry, consumer groups, other stakeholders, and the public. This data was received on December 2, 2020.

⁴ Sodium citrate prices were obtained from three laboratory websites, <https://www.jorvet.com/>, <https://www.rpicorp.com/>, <https://www.tocris.com/>. These websites were accessed on 11/30/2020.

The average sodium citrate price per milliliter was \$0.08. This price was multiplied by the conversion rate of 3,785.412 ml per gallon to get the average sodium citrate price per gallon of \$292.11. According to 9 CFR 424.21, the sodium citrate solution cannot exceed 0.5 percent, based on the ingoing weight of the product. Therefore, the price of sodium citrate per gallon of blood would be \$292.11 multiplied by .005 or \$1.47.

⁵ PHIS is FSIS’s electronic data analytic system, used to collect, consolidate, and analyze data in order to improve public health. FSIS used data from (PHIS) to identify these establishments by Hazard Analysis and Critical Control Point (HACCP) category. This data was accessed on December 2, 2020.

⁶ Viator. C. *et al.* 2015. RTI International “Costs of Food Safety Investments” prepared by Catherine L. Viator, Mary K. Muth, and Jenna E. Brophy. The contract number is No. AG–3A94–B–13–0003. The order number is AG–3A94–K–14–0056. Table 2–5. Available at <http://www.fsis.usda.gov/wps/wcm/connect/0cdc568e-f6b1-45dc-88f1-45f343ed0bcd/Food-Safety-Costs.pdf?MOD=AJPERES>.

⁷ 426 gallons multiplied by \$1.47, the sodium citrate cost per gallon of blood, equals \$626. Costs are rounded to the nearest dollar.

⁸ 1,065 gallons multiplied by \$1.47 equals \$1,566. Costs are rounded to the nearest dollar.

⁹ Wage estimate of \$14.23 obtained from the Bureau of Labor Statistics, May 2019 National Industry-Specific Occupational Employment and Wage Estimates for the Processing Workers (Occupational Code 51–3023) in the Animal Slaughtering and Process Industry (NAICS code 311600). <https://www.bls.gov/oes/current/oes513023.htm>. FSIS multiplied the mean hourly wage rate by a benefits factor of 2, to obtain a total compensation rate of \$28.46 per hour.

¹⁰ \$28.46 divided by 60 minutes equals \$0.4743 rounded to the nearest tenth of a cent to \$0.50.

¹¹ 3.5 ((2 + 5)/2) minutes multiplied by the mid estimate of 3.5 ((2 + 5)/2) gallons of blood per production day multiplied by 213 production days, multiplied by the labor cost per minute (\$0.50). The costs are rounded to the nearest dollar.

TABLE 1—INDUSTRY ANNUAL COST SAVINGS ESTIMATES—Continued

	Low	Medium	High
Labor Cost Savings/Year	6,390	19,575	39,945
Total Cost Savings	15,780	36,015	63,435
Total Costs Savings annualized at a discount rate of 7% over 10 years	15,780	36,015	63,435

Regulatory Flexibility Act Assessment

The FSIS Administrator has made a determination that this final rule will not have a significant economic impact on a substantial number of small entities in the United States, as defined by the Regulatory Flexibility Act (5 U.S.C. 601). Small and very small establishments will benefit from the cost savings associated with this final rule. However, the benefits to small and very small establishments, as indicated by the total savings estimates in Table 1 (\$15,780 to \$63,435 over 10 years), will not be significant. Of the 15 establishments that submitted askFSIS questions about defibrination from October 2015 to December 2, 2020, about 67 percent were classified as small, by Hazard Analysis and Critical Control Point (HACCP) size, and 33 percent were HACCP-size very small. Under the HACCP-size definitions, large establishments have 500 or more employees and small establishments have fewer than 500 but more than 10 employees. Very small establishments have fewer than 10 employees or annual sales of less than \$2.5 million.

Paperwork Reduction Act

There are no new paperwork or recordkeeping requirements associated with this final rule under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

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 rule as not a “major rule,” as defined by 5 U.S.C. 804(2).

Environmental Impacts

Each USDA agency is required to comply with 7 CFR part 1b of the Departmental regulations, which supplements the National Environmental Policy Act regulations published by the Council on Environmental Quality. Under these regulations, actions of certain USDA agencies and agency units are categorically excluded from the preparation of an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) unless the agency head determines that an action

may have a significant environmental effect (7 CFR 1b.4(b)). FSIS is among the agencies categorically excluded from the preparation of an EA or EIS (7 CFR 1b.4(b)(6)).

FSIS has determined that this final rule, which removes the defibrination requirement from 9 CFR 310.20, will not create any extraordinary circumstances that would result in this normally excluded action’s having a significant individual or cumulative effect on the human environment. Therefore, this action is appropriately subject to the categorical exclusion from the preparation of an environmental assessment or environmental impact statement provided under 7 CFR 1b.4(6) of the U.S. Department of Agriculture regulations.

E-Government Act

FSIS and USDA are committed to achieving the purposes of the E-Government Act (44 U.S.C. 3601, *et seq.*) by, among other things, promoting the use of the internet and other information technologies and providing increased opportunities for citizen access to Government information and services, and for other purposes.

USDA Non-Discrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA’s TARGET

Center at (202) 720–2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877–8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD–3027, found online at <https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint> and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632–9992. Submit your completed form or letter to USDA by: (1) Mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250–9410; (2) fax: (202) 690–7442; or (3) email: program.intake@usda.gov.

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Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce this **Federal Register** publication on-line through the FSIS web page located at: <https://www.fsis.usda.gov/federal-register>.

FSIS also will make copies of this publication available through the FSIS *Constituent Update*, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The *Constituent Update* is available on the FSIS web page. Through the web page, FSIS is able to provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and information. This service is available at: <https://www.fsis.usda.gov/subscribe>. Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves and have the

option to password-protect their accounts.

List of Subjects in 9 CFR Part 310

Meat and meat products, Blood.

For the reasons set forth in the preamble, FSIS amends 9 CFR chapter III as follows:

PART 310—POST-MORTEM INSPECTION

■ 1. The authority citation for part 310 continues to read as follows:

Authority: 21 U.S.C. 601–695; 7 CFR 2.18, 2.53.

■ 2. Revise § 310.20 to read as follows:

§ 310.20 Saving of blood from livestock as an edible product.

Blood may be saved for edible purposes at official establishments provided it is derived from livestock, the carcasses of which are inspected and passed, and the blood is collected and handled in a manner so as not to render it adulterated under the Federal Meat Inspection Act and regulations issued pursuant thereto. The defibrination of blood intended for human food purposes shall not be done with the hands. Anticoagulants may be used in accordance with 21 CFR chapter I, subchapter A and subchapter B, or by regulation in 9 CFR chapter III, subchapter A or subchapter E.

Done, at Washington, DC.

Paul Kiecker

Administrator.

[FR Doc. 2021–13160 Filed 6–23–21; 8:45 am]

BILLING CODE 3410-DM-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0093; Project Identifier MCAI–2020–01213–T; Amendment 39–21535; AD 2021–10–02]

RIN 2120-AA64

Airworthiness Directives; Bombardier, Inc., Airplanes

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

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Bombardier, Inc., Model BD–700–1A10 and BD–700–1A11 airplanes. This AD was prompted by reports indicating that the left- and right-hand elevator torque tube bearings were contaminated with

sand and corrosion, restricting free rotation. This AD requires repetitive general visual inspections of the left- and right-hand elevator torque tube bearings for any sand, dust, or corrosion; repetitive functional tests of the elevator control system; and replacement of the elevator torque tube bearings if necessary. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective July 29, 2021.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of July 29, 2021.

ADDRESSES: For service information identified in this final rule, contact Bombardier, Inc., 200 Côte-Vertu Road West, Dorval, Québec H4S 2A3, Canada; North America toll-free telephone 1–866–538–1247 or direct-dial telephone 1–514–855–2999; email ac.yul@aero.bombardier.com; internet <https://www.bombardier.com>. You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA–2021–0093.

Examining the AD Docket

You may examine the AD docket on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA–2021–0093; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT:

Siddeeq Bacchus, Aerospace Engineer, Mechanical Systems and Administrative Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7362; fax 516–794–5531; email 9-avs-nyaco-cos@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued TCCA AD CF–2020–29, dated August 21, 2020

(referred to after this as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for all Bombardier, Inc., Model BD–700–1A10 and BD–700–1A11 airplanes. You may examine the MCAI in the AD docket on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA–2021–0093.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Bombardier, Inc., Model BD–700–1A10 and BD–700–1A11 airplanes. The NPRM published in the **Federal Register** on February 24, 2021 (86 FR 11180). The NPRM was prompted by reports indicating that the left- and right-hand elevator torque tube bearings were contaminated with sand and corrosion, restricting free rotation. The NPRM proposed to require repetitive general visual inspections of the left- and right-hand elevator torque tube bearings for any sand, dust, or corrosion; repetitive functional tests of the elevator control system; and replacement of the elevator torque tube bearings if necessary. The FAA is issuing this AD to address sand contamination and corrosion of the elevator torque tube bearings, which could lead to binding or seizure of the bearings, and potentially lead to a reduction in or loss of airplane pitch control. See the MCAI for additional background information.

Comments

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

Conclusion

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

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

Related Service Information Under 14 CFR Part 51

Bombardier has issued the following service information.

- Bombardier Service Bulletin 700–1A11–27–041, Revision 1, dated December 7, 2020.

- Bombardier Service Bulletin 700–27–083, Revision 1, dated December 7, 2020.
- Bombardier Service Bulletin 700–27–5012, Revision 1, dated December 7, 2020.
- Bombardier Service Bulletin 700–27–5503, Revision 1, dated December 7, 2020.
- Bombardier Service Bulletin 700–27–6012, Revision 1, dated December 7, 2020.

- Bombardier Service Bulletin 700–27–6503, Revision 1, dated December 7, 2020.
- This service information describes procedures for repetitive general visual inspections of the left- and right-hand elevator torque tube bearings for any sand, dust, or corrosion; repetitive functional tests of the elevator control system; and corrective actions including replacement of the elevator torque tube bearings if necessary. These documents

are distinct since they apply to different airplane models and serial numbers. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

The FAA estimates that this AD affects 392 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS *

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
22 work-hours × \$85 per hour = \$1,870	Up to \$4 (for four cotter pins) **	Up to \$1,874	Up to \$734,608.

* Table does not include estimated costs for reporting.
 ** Parts cost include replacement parts where necessary.

The FAA estimates that it would take about 1 work-hour per product to comply with the reporting requirement in this AD. The average labor rate is \$85 per hour. Based on these figures, the

FAA estimates the cost of reporting the inspection results on U.S. operators to be \$33,320, or \$85 per product. The FAA estimates the following costs to do any necessary on-condition

action that would be required based on the results of any required actions. The FAA has no way of determining the number of aircraft that might need this on-condition action:

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
5 work-hours × \$85 per hour = \$425	\$271 (for four bearings)	\$696

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

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB control number. The control number for the collection of information required by this AD is 2120–0056. The paperwork cost associated with this AD has been detailed in the Costs of Compliance section of this document and includes time for reviewing instructions, as well as completing and reviewing the collection of information. Therefore, all reporting associated with this AD is mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to Information

Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177–1524.

Authority for This Rulemaking

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

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

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

- For the reasons discussed above, I certify that this AD:
- (1) Is not a “significant regulatory action” under Executive Order 12866,
 - (2) Will not affect intrastate aviation in Alaska, and
 - (3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2021–10–02 Bombardier, Inc.: Amendment 39–21535; Docket No. FAA–2021–0093; Project Identifier MCAI–2020–01213–T.

(a) Effective Date

This airworthiness directive (AD) is effective July 29, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Bombardier, Inc., Model BD–700–1A10 and BD–700–1A11 airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 27, Flight controls.

(e) Reason

This AD was prompted by reports indicating that the left- and right-hand elevator torque tube bearings were contaminated with sand and corrosion, restricting free rotation. The FAA is issuing this AD to address sand contamination and corrosion of the elevator torque tube bearings, which could lead to binding or seizure of the bearings, and potentially lead to a reduction in or loss of airplane pitch control.

(f) Compliance

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

(g) Inspection and Corrective Actions

Within 36 months from the effective date of this AD or within 63 months from the date of airplane manufacture, as identified on the identification plate of the airplane, whichever occurs later: Do a general visual inspection of the left- and right-hand elevator torque tube bearings for any sand, dust, or corrosion; perform a functional test of the elevator control system; and do all applicable corrective actions; in accordance with the Accomplishment Instructions of paragraphs 2.B., 2.C., and 2.D. of the applicable service information specified in figure 1 to paragraph (g) of this AD. Applicable corrective actions must be done before further flight. Repeat the general visual inspection and functional test thereafter at intervals not to exceed 63 months.

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Figure 1 to paragraph (g) – Service Information

For Model–	Having Serial numbers–	Use Bombardier Service Bulletin–
BD-700-1A10 airplanes	9002 to 9312 inclusive, 9314 to 9380 inclusive, and 9384 to 9429 inclusive	700-27-083, Revision 1, dated December 7, 2020
BD-700-1A10 airplanes	9313, 9381, 9432 to 9860 inclusive, 9863 to 9871 inclusive, 9873 to 9997 inclusive, and 60005 to 61999 ¹ inclusive	700-27-6012, Revision 1, dated December 7, 2020
BD-700-1A10 airplanes	9861, 9872, and 60001 to 61999 ¹ inclusive	700-27-6503, Revision 1, dated December 7, 2020
BD-700-1A11 airplanes	9127 to 9383 inclusive, 9389 to 9400 inclusive, 9404 to 9431 inclusive, and 9998	700-1A11-27-041, Revision 1, dated December 7, 2020
BD-700-1A11 airplanes	9386, 9401, 9445 to 9862 inclusive, and 9868 to 9997 inclusive	700-27-5012, Revision 1, dated December 7, 2020
BD-700-1A11 airplanes	60007 to 61999 inclusive	700-27-5503, Revision 1, dated December 7, 2020
¹ Certain serial numbers are identified by the “Global 6000 and Global 6500” marketing designations for Model BD-700-1A10 airplanes. Paragraph 1.M., “Equivalent Service Bulletins,” of the applicable service information identifies related service information using these marketing designations.		

BILLING CODE 4910–13–C

(h) Reporting Requirement

At the applicable time specified in paragraph (h)(1) or (2) of this AD, submit a report of all findings, positive and negative,

of each of the first three inspections required by paragraph (g) of this AD. Submit the report to Bombardier, in accordance with the details specified in the applicable service information specified in figure 1 to paragraph (g) of this AD.

(1) If the inspection was done on or after the effective date of this AD: Submit the report within 30 days after the inspection.

(2) If the inspection was done before the effective date of this AD: Submit the report

within 30 days after the effective date of this AD.

(i) Credit for Previous Actions

This paragraph provides credit for actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using the applicable service information in paragraphs (i)(1) through (6) of this AD.

(1) Bombardier Service Bulletin 700–1A11–27–041, dated July 23, 2020.

(2) Bombardier Service Bulletin 700–27–083, dated July 23, 2020.

(3) Bombardier Service Bulletin 700–27–5012, dated July 23, 2020.

(4) Bombardier Service Bulletin 700–27–5503, dated July 23, 2020.

(5) Bombardier Service Bulletin 700–27–6012, dated July 23, 2020.

(6) Bombardier Service Bulletin 700–27–6503, dated July 23, 2020.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs)*: The Manager, New York ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the certification office, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer*: For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, New York ACO Branch, FAA; or Transport Canada Civil Aviation (TCCA); or Bombardier Inc.'s TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

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

collection of information, including suggestions for reducing this burden to Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177–1524.

(k) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) TCCA AD CF–2020–29, dated August 21, 2020, for related information. This MCAI may be found in the AD docket on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA–2021–0093.

(2) For more information about this AD, contact Siddeeq Bacchus, Aerospace Engineer, Mechanical Systems and Administrative Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7362; fax 516–794–5531; email 9-avs-nyaco-cos@faa.gov.

(3) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (l)(3) and (4) of this AD.

(l) Material Incorporated by Reference

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

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

(i) Bombardier Service Bulletin 700–1A11–27–041, Revision 1, dated December 7, 2020.

(ii) Bombardier Service Bulletin 700–27–083, Revision 1, dated December 7, 2020.

(iii) Bombardier Service Bulletin 700–27–5012, Revision 1, dated December 7, 2020.

(iv) Bombardier Service Bulletin 700–27–5503, Revision 1, dated December 7, 2020.

(v) Bombardier Service Bulletin 700–27–6012, Revision 1, dated December 7, 2020.

(vi) Bombardier Service Bulletin 700–27–6503, Revision 1, dated December 7, 2020.

(3) For service information identified in this AD, contact Bombardier, Inc., 200 Côte-Vertu Road West, Dorval, Québec H4S 2A3, Canada; North America toll-free telephone 1–866–538–1247 or direct-dial telephone 1–514–855–2999; email ac.yul@aero.bombardier.com; internet <https://www.bombardier.com>.

(4) You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

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

Issued on April 27, 2021.

Gaetano A. Sciortino,

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

[FR Doc. 2021–13118 Filed 6–23–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0267; Project Identifier 2017–SW–110–AD; Amendment 39–21620; AD 2021–13–15]

RIN 2120–AA64

Airworthiness Directives; Bell Textron Canada Limited (Type Certificate Previously Held by Bell Helicopter Textron Canada Limited) Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for Bell Textron Canada Limited (type certificate previously held by Bell Helicopter Textron Canada Limited) (Bell) Model 429 helicopters. This AD was prompted by the identification of certain parts needing life limits and certification maintenance requirement (CMR) tasks. This AD requires establishing life limits and CMR tasks for various parts. Depending on the results of the CMR tasks, this AD requires corrective action. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective July 29, 2021.

ADDRESSES: For service information identified in this final rule, contact Bell Textron Canada Limited, 12,800 Rue de l’Avenir, Mirabel, Quebec J7J 1R4, Canada; telephone 1–450–437–2862 or 1–800–363–8023; fax 1–450–433–0272; email productsupport@bellflight.com; or at <https://www.bellflight.com/support/contact-support>. You may view the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177.

Examining the AD Docket

You may examine the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA–2021–0267; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this

final rule, the Transport Canada AD, any comments received, and other information. The street address for Docket Operations is U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

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

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to Bell Model 429 helicopters, serial numbers 57001 and subsequent. The NPRM published in the **Federal Register** on April 8, 2021 (86 FR 18218). In the NPRM, the FAA proposed to require establishing a life limit for certain part-numbered tail rotor outboard flapping bearings and a certain part-numbered hoist kit cable cutter cartridge. The NPRM also proposed to require establishing recurring CMR tasks for a certain part-numbered wheeled landing gear system, float/life raft kit, and hoist kit, and depending on the results of the CMR tasks, corrective action. The NPRM was prompted by Canadian AD CF-2017-16, dated May 17, 2017, issued by Transport Canada, which is the aviation authority of Canada, to correct an unsafe condition for Bell Model 429 helicopters, serial numbers 57001 and subsequent. Transport Canada advises that Bell has established life limits and CMR tasks for various parts and accordingly revised Chapter 4—Airworthiness Limitations Schedule of Bell Helicopter 429 Maintenance Manual BHT-429-MM-1 to Revision 26, dated September 9, 2016 (BHT-429-MM-1). Transport Canada states that failure to replace life-limited parts or perform CMR tasks as specified could result in an unsafe condition.

Accordingly, the Transport Canada AD requires updating the maintenance schedule for the parts affected with the airworthiness life limits and CMR tasks in Revision 26 of BHT-429-MM-1.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from one commenter. The commenter was Bell. The following presents the

comments received on the NPRM and the FAA's response to each comment.

Request To Change the Compliance Time of the Hoist Cable Anti-Foul Assembly Operational Check

Bell requested changing the compliance time of the hoist cable anti-foul assembly operational check from before the first flight of the day involving a hoist operation to after the last flight of the day. Bell requested this change to avoid the potential to suspend critical operations in order to accomplish the check and any required corrective maintenance because according to Bell, hoist equipment serves an essential service and may be required for critical missions with minimal notice. Bell further stated that this task was established based on the system safety assessment for the Bell Model 429 helicopter hoist installation and exposure based on a daily check after the last flight was considered in that assessment to conservatively meet acceptable reliability targets for its Major hazard classification.

The FAA disagrees with the request to change the compliance time to after the last flight of the day. The compliance time of before the first flight of the day is standard practice in rotorcraft AD actions for enforceability purposes. However, this wording does not imply that the operational check and corrective action must be done on the same calendar day as the first flight of the day involving a hoist operation. In light of this, the FAA has made no changes based on this request.

Conclusion

These helicopters have been approved by the aviation authority of Canada and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with Canada, Transport Canada has notified the FAA about the unsafe condition described in its AD. The FAA reviewed the relevant data, considered the comments received, and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on these helicopters. Except, since issuance of the NPRM, Bell has updated its contact information to obtain service documentation by changing its website address and adding an email address. This final rule reflects those changes and this AD is otherwise adopted as proposed in the NPRM. None of the changes increase the economic burden on any operator.

Related Service Information

The FAA reviewed Chapter 4—Airworthiness Limitations Schedule of BHT-429-MM-1. This service information specifies airworthiness life limits, inspection intervals, and CMR requirements for parts installed on Model 429 helicopters. Revision 26 of this service information establishes life limits for a certain part-numbered tail rotor flapping outboard bearing and hoist kit cartridge cable cutter and CMR requirements for a certain part-numbered wheeled landing gear system, float/life raft kit, and hoist kit.

Additionally, the FAA reviewed Chapter 96-47—600-Pound External Hoist Electrical System—Operational Check, of Bell 429 Maintenance Manual Supplement For 600-Pound External Hoist Kit, BHT-429-MMS-4, Revision 1, dated March 14, 2014. This service information specifies inspection procedures and corrective action for various components of the hoist system.

Lastly, the FAA reviewed Testing and Fault Isolation, pages 101-117/118, Cleaning, pages 401-405/406, and Scheduled Maintenance, pages 609-611/612, of Goodrich Rescue Hoist System Component Maintenance Manual 25-00-38-1, dated July 15, 2009, for rescue hoist assembly part number 44316-12-102. This service information specifies maintenance procedures and lists replacement parts for this part-numbered Goodrich rescue hoist assembly.

Differences Between This AD and the Transport Canada AD

This AD requires corrective action for failed CMR tasks, whereas the Transport Canada AD does not. The Transport Canada AD requires accomplishing an operational check of the hoist cable anti-foul assembly daily after the last flight, whereas this AD requires this action before the first flight of the day involving a hoist operation instead.

Costs of Compliance

The FAA estimates that this AD affects 110 helicopters of U.S. Registry. Labor rates are estimated at \$85 per work-hour. Based on these numbers, the FAA estimates the following costs to comply with this AD.

Replacing a tail rotor outboard flapping bearing takes about 4 work-hours and parts cost about \$7,500 for an estimated cost of \$7,840 per helicopter and \$862,400 for the U.S. fleet, per replacement cycle. Replacing a hoist kit cable cutter cartridge takes about 3 work-hours and parts cost about \$5,200 for an estimated cost of \$5,455 per helicopter and \$600,050 for the U.S. fleet, per replacement cycle.

Performing a functional check of the wheeled landing gear system takes about 4 work-hours for an estimated cost of \$340 per helicopter and \$37,400 for the U.S. fleet, per cycle. Performing a functional check of the float/life raft kit takes about 2 work-hours for an estimated cost of \$170 per helicopter and \$18,700 for the U.S. fleet, per cycle.

Performing an operational check of the hoist kit cable anti-foul assembly takes about 2 work-hours for an estimated cost of \$170 per helicopter and \$18,700 for the U.S. fleet, per cycle. Cleaning, visually inspecting, and lubricating the rescue hoist cable takes about 2 work-hours for an estimated cost of \$170 per helicopter and \$18,700 for the U.S. fleet, per cycle. Performing an operational check of the hoist kit speed limit switches and the electrical system takes about 0.5 work-hour for an estimated cost of \$43 per helicopter and \$4,730 for the U.S. fleet, per cycle. Performing a functional check of the cable cutter cartridge electrical system takes about 3 work-hours for an estimated cost of \$255 per helicopter and \$28,050 for the U.S. fleet, per cycle.

The FAA has no way of determining the estimated costs to do allowable repairs based on the results of the CMR tasks. If required, replacing the float/life raft takes about 2 work-hours and parts cost about \$5,000 for an estimated cost of \$5,170 per float/life raft. Replacing the anti-foul assembly takes about 3 work-hours and parts cost about \$1,500 for an estimated cost of \$1,755 per anti-foul assembly. Replacing a rescue hoist cable takes about 3 work-hours and parts cost about \$3,150 for an estimated cost of \$3,405 per rescue hoist cable. Overhauling a rescue hoist assembly costs about \$83,000 and it takes about 8 work-hours to remove and reinstall the hoist for a labor cost of \$680, for a total estimated cost of \$83,680 per helicopter, per overhaul cycle. Alternatively, replacing a hoist takes about 8 work-hours and parts cost about \$200,000 for an estimated cost of \$200,680 per helicopter, per replacement cycle.

Authority for This Rulemaking

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

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA

with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on helicopters identified in this rulemaking action.

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

- (1) Is not a "significant regulatory action" under Executive Order 12866,
- (2) Will not affect intrastate aviation in Alaska, and
- (3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2021-13-15 Bell Textron Canada Limited (Type Certificate Previously Held by Bell Helicopter Textron Canada Limited): Amendment 39-21620; Docket No. FAA-2021-0267; Project Identifier 2017-SW-110-AD.

(a) Effective Date

This airworthiness directive (AD) is effective July 29, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bell Textron Canada Limited (type certificate previously held by Bell Helicopter Textron Canada Limited) Model 429 helicopters, certificated in any category, serial numbers 57001 and subsequent.

(d) Subject

Joint Aircraft Service Component (JASC) Code: 3200, Landing Gear Systems, and 2560, Emergency Equipment.

(e) Unsafe Condition

This AD was prompted by parts remaining in service beyond their fatigue life or beyond maintenance intervals required by the certification maintenance requirements (CMRs) of the Instructions for Continued Airworthiness. The FAA is issuing this AD to prevent failure of a part, which could result in loss of control of the helicopter.

(f) Compliance

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

(g) Required Actions

(1) Before further flight after the effective date of this AD, remove from service any part that has reached or exceeded its life limit as follows. Thereafter, remove from service each part on or before reaching its life limit as follows:

(i) Tail rotor outboard flapping bearing part number (P/N) 429-312-103-117 and 429-312-103-119: 15,000 total hours time-in-service (TIS).

(ii) Hoist kit cable cutter cartridge P/N 42315-281: 5 years since date of manufacture.

(2) Before further flight after the effective date of this AD, perform the following CMR tasks for any part that has reached or exceeded its CMR interval as follows. Thereafter, perform the following CMR tasks for each part on or before reaching its CMR interval as follows:

Note 1 to paragraph (g)(2): Chapter 4—Airworthiness Limitations Schedule of Bell Helicopter 429 Maintenance Manual BHT-429-MM-1 to Revision 26, dated September 9, 2016, contains additional information about the CMR tasks.

(i) *Wheeled Landing Gear System P/N 429-705-001-101*: 800 hours TIS or 1 year, whichever occurs first, perform a functional check of the Emergency Gear Release. If the functional check fails, before further flight, repair in accordance with FAA-approved procedures.

(ii) *Float/Life Raft Kit P/N 429-706-069-101*: 1,600 hours TIS, perform a functional check of the float/life raft kit electrical system to determine if there are any dormant failures including: Manual inflation switch, water immersion switch, auto-activation relay, manual activation relay, raft activation relay, test activation relay, and the fuse disc elements. If there is a failure, before next flight over water, replace the float/life raft.

(iii) *Hoist Kit P/N 429-706-001-101*:

(A) Before the first flight of the day involving a hoist operation, perform an operational check of the hoist cable anti-foul

assembly. If the operational check fails, before next flight involving a hoist operation, repair or replace the anti-foul assembly.

(B) 3 hoist operating hours, clean, visually inspect the rescue hoist cable for damage, which may be indicated by a broken wire, kink, bird caging, flattened area, abrasion, or necking. If there is any damage, before further flight, replace the rescue hoist cable. If there is no damage, before further flight, lubricate the rescue hoist cable. For purposes of this AD, hoist operating hours are counted anytime the hoist motor is operating.

Note 2 to paragraph (g)(2)(iii)(B): Bell Helicopter service information refers to hoist operating hours as hoisting hours.

(C) 800 hours TIS or 1 year, whichever occurs first, perform an operational check of the speed limit switches and perform an operational check of the 600-pound external hoist electrical system to inspect operation of the HOIST HOT caution light. If an operational check fails, before next flight involving a hoist operation, repair in accordance with FAA-approved procedures or replace the hoist.

(D) 2,200 hours TIS or 111 hoist operating hours, whichever occurs first, perform a functional check of the cable cutter cartridge electrical system to inspect for correct functioning of the cable cutter switches (hoist pendant, pilot cyclic, and copilot cyclic) and associated wiring. If a functional check fails, before next flight involving a hoist operation, repair in accordance with FAA-approved procedures or replace the hoist.

(E) 111 hoist operating hours, overhaul or replace the hoist.

(h) Alternative Methods of Compliance (AMOCs)

(1) The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Validation Branch, send it to the attention of the person identified in paragraph (i)(1) of this AD. Information may be emailed to: 9-AVS-AIR-730-AMOC@faa.gov.

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

(i) Related Information

(1) For more information about this AD, contact Matt Fuller, AD Program Manager, General Aviation & Rotorcraft Unit, Airworthiness Products Section, Operational Safety Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222-5110; email matthew.fuller@faa.gov.

(2) Chapter 4—Airworthiness Limitations Schedule of Bell Helicopter 429 Maintenance Manual BHT-429-MM-1 to Revision 26, dated September 9, 2016, which is not incorporated by reference, contains additional information about the subject of this AD. For service information identified in this AD, contact Bell Textron Canada

Limited, 12,800 Rue de l'Avenir, Mirabel, Quebec J7J 1R4, Canada; telephone 1-450-437-2862 or 1-800-363-8023; fax 1-450-433-0272; email productsupport@bellflight.com; or at <https://www.bellflight.com/support/contact-support>. You may view this referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N-321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222-5110.

(3) The subject of this AD is addressed in Transport Canada AD CF-2017-16, dated May 17, 2017. You may view the Transport Canada AD at <https://www.regulations.gov> in Docket No. FAA-2021-0267.

Issued on June 17, 2021.

Gaetano A. Sciortino,

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

[FR Doc. 2021-13193 Filed 6-23-21; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2020-1178; Project Identifier MCAI-2020-01325-T; Amendment 39-21545; AD 2021-10-12]

RIN 2120-AA64

Airworthiness Directives; Airbus SAS Airplanes

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

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2020-09-14, which applied to certain Airbus SAS Model A350-941 and -1041 airplanes. AD 2020-09-14 required revising the existing airplane flight manual (AFM) to define a liquid-prohibited zone on the flight deck and provide procedures following liquid spillage on the center pedestal. AD 2020-09-14 also required installing a removable integrated control panel (ICP) cover on the flight deck and further revising the AFM to include instructions for ICP cover use. This AD requires installing a new, water-resistant ICP, which allows removing the ICP protective cover and the AFM revisions, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. This AD was prompted by development of a new, water-resistant ICP. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective July 29, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of July 29, 2021.

ADDRESSES: For material incorporated by reference (IBR) in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email ADs@easa.europa.eu; internet www.easa.europa.eu. You may find this IBR material on the EASA website at <https://ad.easa.europa.eu>. You may view this IBR material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195. It is also available in the AD docket on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2020-1178.

Examining the AD Docket

You may examine the AD docket on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2020-1178; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Kathleen Arrigotti, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206-231-3218.

SUPPLEMENTARY INFORMATION:

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2020-0203, dated September 23, 2020 (EASA AD 2020-0203) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for certain Airbus SAS Model A350-941 and -1041 airplanes.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2020-09-14, Amendment 39-19910 (85 FR 30601, May 20, 2020) (AD 2020-09-14). AD 2020-09-14 applied to certain Airbus SAS Model A350-941 and -1041 airplanes. The NPRM published in the

Federal Register on February 22, 2021 (86 FR 10493). The NPRM was prompted by a new, water-resistant ICP developed by the manufacturer to address the identified unsafe condition. The NPRM proposed to continue to require revising the existing AFM to define a liquid-prohibited zone on the flight deck and provide procedures following liquid spillage on the center pedestal. The NPRM also proposed to continue to require installing a removable ICP cover on the flight deck and further revising the AFM to include instructions for ICP cover use, as specified in EASA AD 2020–0203. The NPRM also proposed to require installing a new, water-resistant ICP, which would allow removing the ICP protective cover and the AFM revisions, as specified in EASA AD 2020–0203.

The FAA is issuing this AD to address the potential for dual-engine in-flight shutdown (IFSD), possibly resulting in a forced landing with consequent damage to the airplane and injury to occupants. See the MCAI for additional background information.

Comments

The FAA gave the public the opportunity to participate in developing

this final rule. The FAA has considered the comment received. The Air Line Pilots Association, International (ALPA) indicated its support for the NPRM.

Change to the Costs of Compliance Section

In the NPRM, the FAA did not provide a parts cost estimate for the new actions, and it was noted that the FAA had received no definitive data regarding cost estimates for those parts. Since publication of the NPRM, the FAA has obtained a parts cost estimate from the manufacturer, and has updated the Costs of Compliance section of this final rule accordingly.

Conclusion

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

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

Related Service Information Under 14 CFR Part 51

EASA AD 2020–0203 describes procedures for revising the AFM to define a liquid-prohibited zone on the flight deck and provide procedures following liquid spillage on the center pedestal, installing an ICP cover on the flight deck, and further revising the AFM to include instructions for ICP cover use. EASA AD 2020–0203 also describes procedures for installing a new, water-resistant ICP; removing the ICP protective cover; and removing the AFM revisions. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the ADDRESSES section.

Costs of Compliance

The FAA estimates that this AD affects 15 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Retained AFM revision from AD 2020–09–14	1 work-hour × \$85 per hour = \$85	\$0	\$85	\$1,105.
Retained installation from AD 2020–09–14	2 work-hours × \$85 per hour = \$170	(*)	170*	2,210.*
New actions	Up to 42 work-hours × \$85 per hour = Up to \$3,570.	5,700	Up to \$9,270 ..	Up to \$139,050.

*The FAA has received no definitive data regarding cost estimates for these parts.

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

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

Authority for This Rulemaking

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

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section

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

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by
 ■ a. Removing Airworthiness Directive (AD) 2020–09–14, Amendment 39–19910 (85 FR 30601, May 20, 2020), and
 ■ b. Adding the following new AD:

2021–10–12 Airbus SAS: Amendment 39–21545; Docket No. FAA–2020–1178; Project Identifier MCAI–2020–01325–T.

(a) Effective Date

This airworthiness directive (AD) is effective July 29, 2021.

(b) Affected ADs

This AD replaces AD 2020–09–14, Amendment 39–19910 (85 FR 30601, May 20, 2020) (AD 2020–09–14).

(c) Applicability

This AD applies to Airbus SAS Model A350–941 and –1041 airplanes, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2020–0203, dated September 23, 2020 (EASA AD 2020–0203).

(d) Subject

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

(e) Reason

This AD was prompted by two reports of abnormal operation of the components of the ENG START panel or Electronic Centralized Aircraft Monitoring (ECAM) Control Panel (ECP) due to liquid spillage in the system, and the subsequent uncommanded engine in-flight shutdown (IFSD) of one engine in each case. This AD was also prompted by the development of a new, water-resistant integrated control panel (ICP) that will address this unsafe condition. The FAA is issuing this AD to address the potential for dual-engine IFSD, possibly resulting in a forced landing with consequent damage to the airplane and injury to occupants.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2020–0203.

(h) Exceptions to EASA AD 2020–0203

(1) Where EASA AD 2020–0203 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where EASA AD 2020–0203 refers to the effective date of EASA AD 2020–0020E, this AD requires using February 14, 2020 (the effective date of AD 2020–03–12 (85 FR 7863, February 12, 2020)).

(3) Where EASA AD 2020–0203 refers to the effective date of EASA AD 2020–0090, this AD requires using June 4, 2020 (the effective date of AD 2020–09–14).

(4) Where paragraph (7) of EASA AD 2020–0203 specifies removing the AFM [airplane flight manual] changes “as required by paragraph (2) or (4) of [the MCAI], as applicable,” this AD requires removing the AFM changes required by paragraph (1), (2), (4), or (5), as applicable, from the AFM.

(5) For airplanes with Mod 116010: This AD does not require the actions specified in paragraphs (1), (3), and (4) of EASA AD 2020–0203, as specified in paragraph (g) of this AD.

(6) “Note 1” of EASA AD 2020–0203 does not apply to this AD. However, after the actions required by EASA AD 2020–0203, paragraphs (3) through (5), as required by paragraph (g) of this AD, have been accomplished on an airplane, that airplane may be operated with a damaged or missing ICP removable cover, provided provisions that address the ICP removable cover are included in the operator’s approved minimum equipment list (MEL). After the actions required by EASA AD 2020–0203, paragraph (6), as required by paragraph (g) of this AD, have been accomplished on an airplane, that airplane may be operated without an ICP removable cover, provided provisions that address the ICP removable cover are removed from the operator’s approved MEL.

(7) The “Remarks” section of EASA AD 2020–0203 does not apply to this AD.

(i) Special Flight Permit

Special flight permits may be issued in accordance with 14 CFR 21.197 and 21.199 to operate the airplane to a location where the actions specified in this AD can be accomplished (if the operator elects to do so), provided a removable ICP cover is installed on the flight deck.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

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

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, Large Aircraft Section, International Validation Branch, FAA; or EASA; or Airbus SAS’s EASA Design

Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

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

(k) Related Information

For more information about this AD, contact Kathleen Arrigotti, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3218.

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2020–0203, dated September 23, 2020.

(ii) [Reserved]

(3) For EASA AD 2020–0203, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email ADs@easa.europa.eu; internet www.easa.europa.eu. You may find this EASA AD on the EASA website at <https://ad.easa.europa.eu>.

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. This material may be found in the AD docket on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA–2020–1178.

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

Issued on April 30, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–13123 Filed 6–23–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA-2017-0432; Project Identifier 2013-SW-074-AD; Amendment 39-21587; AD 2021-11-25]

RIN 2120-AA64

Airworthiness Directives; Airbus Helicopters (Type Certificate Previously Held by Eurocopter France) Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Airbus Helicopters (Type Certificate previously held by Eurocopter France) Model AS350B3 and EC130T2 helicopters. This AD was prompted by a report of failure of an engine digital electronic control unit (DECU). This AD requires revising the existing Rotorcraft Flight Manual (RFM) for your helicopter. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective July 29, 2021.

The Director of the Federal Register approved the incorporation by reference of certain documents listed in this AD as of July 29, 2021.

ADDRESSES: For Airbus Helicopters service information identified in this final rule, contact Airbus Helicopters, 2701 N Forum Drive, Grand Prairie, TX 75052; telephone (972) 641-0000 or (800) 232-0323; fax (972) 641-3775; or at <https://www.airbus.com/helicopters/services/technical-support.html>. For Safran Turbomeca service information identified in this final rule, contact Safran Helicopter Engines, S.A., 64511 Bordes, France; phone: +33 (0) 5 59 74 45 11. You may view the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N-321, Fort Worth, TX 76177. The Airbus Helicopters service information is also available at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2017-0432.

Examining the AD Docket

You may examine the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2017-0432; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal

holidays. The AD docket contains this final rule, the European Aviation Safety Agency (now European Union Aviation Safety Agency) (EASA) AD, the EASA safety information bulletin (SIB), any service information that is incorporated by reference, any comments received, and other information. The street address for Docket Operations is U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Jon Jordan, Rotorcraft Flight Test Pilot, Southwest Section, Flight Test Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222-5110; email jon.jordan@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to Airbus Helicopters (Type Certificate previously held by Eurocopter France) Model AS350B3 and EC130T2 helicopters with an ARRIEL 2D engine and THALES full authority digital engine control (FADEC) part number (P/N) C13165DA00 without amendment A or P/N C13165FA00 without amendment B, installed. The NPRM published in the **Federal Register** on March 22, 2021 (86 FR 15140). In the NPRM, the FAA proposed to require revising the Emergency Procedures of the existing RFM for your helicopter by inserting Appendix 4. of Airbus Helicopters Alert Service Bulletin (ASB) No. AS350-01.00.67 or ASB No. EC130-04A004, each Revision 2 and dated February 17, 2014 (ASB AS350-01.00.67 and ASB EC130-04A004) or a different document with information identical to that in Appendix 4., as applicable to your helicopter model. As an optional terminating action for the RFM revision, the NPRM proposed to allow installing amendment A on FADEC P/N C13165DA00 or amendment B on FADEC P/N C13165FA00.

The NPRM was prompted by EASA AD 2013-0287, dated December 5, 2013 (EASA AD 2013-0287), issued by EASA, which is the Technical Agent for the Member States of the European Union, to correct an unsafe condition for Eurocopter (formerly Eurocopter France, Aerospatiale) Model AS 350 B3 and EC 130 T2 helicopters with an ARRIEL 2D engine and THALES FADEC P/N C13165DA00 or P/N C13165FA00 installed. EASA advises of a report of an in-flight event where the pilot noticed

that the temporary amber governor (GOV) light had illuminated, followed by the failure of the vehicle engine monitoring display (VEMD) screens, and no availability of the automatic or auxiliary engine back-up control ancillary unit (EBCAU). Subsequent investigation identified an internal failure of the engine DECU, which led to loss of fuel flow regulation (frozen fuel metering unit). This failure was not indicated to the pilot by a red GOV warning light as expected, but with amber GOV indication and loss of VEMD display instead. EASA also advises that if this fuel metering unit is frozen in the open position, it may lead to a rotor overspeed, and if it is frozen in the closed position, it may lead to unavailability of engine power. EASA states that this condition, if not addressed, could result in the pilot identifying the type of failure condition incorrectly, possibly resulting in an improper response.

Accordingly, and pending the development of a DECU assembly design improvement, the EASA AD requires incorporating a new procedure into the Emergency Procedures section of the RFM and informing all flight crews of the RFM change. EASA considers its AD an interim action and states that further AD action may follow.

After EASA issued EASA AD 2013-0287, EASA issued SIB No. 2013-23, dated December 19, 2013, for Eurocopter AS 350 B3 and EC 130 T2 helicopters with a Turboméca ARRIEL 2D engine installed. The SIB recommends modifying certain electronic engine control units (EECUs).

Comments

The FAA received comments from an anonymous commenter. The commenter stated that the EECU or DECU is an engine component and requested this be reflected as an engine AD and not an airframe AD. The commenter further stated that this AD is unnecessary because the flight manual revision is required as part of the certification of the aircraft and is already regulatory as the flight manual is an FAA approved manual. The FAA does not agree; EASA, as the state of design authority for Airbus Helicopters, determined that the unsafe condition exists only in the Model AS 350 B3 and EC 130 T2 helicopters. Additionally, one of the actions mitigating the unsafe condition is modification of the RFM. Consequently, EASA issued AD 2013-0287 against the airframe. As the validating authority, the FAA, in accordance with the bilateral agreement with the European Union, did not find just cause to change the effectivity for

the FAA AD. Per 14 CFR 21.5, an approved RFM must be presented to the owner upon delivery of the rotorcraft. Unless required through an operational certificate or operational specification, the rotorcraft owner is not required by regulation to adopt flight manual revisions made after delivery of the rotorcraft. To mandate a change to the RFM to address the unsafe condition, the FAA must issue an AD.

Conclusion

These helicopters have been approved by EASA and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the European Union, EASA has notified the FAA about the unsafe condition described in its AD. The FAA reviewed the relevant data, considered the comments received, and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on these helicopters.

Related Service Information Under 14 CFR Part 51

The FAA reviewed Airbus Helicopters ASB AS350-01.00.67 and ASB EC130-04A004. ASB AS350-01.00.67 applies to Model AS350B3 helicopters and ASB EC130-04A004 applies to Model EC130T2 helicopters. This service information provides a new RFM procedure in the event of illumination of the amber GOV followed by the loss of the VEMD display.

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

Other Related Service Information

The FAA also reviewed Safran Turbomeca Mandatory Service Bulletin No. 292 73 2852, Revision B, dated February 12, 2014. This service information specifies replacing certain FADEC D EECUs with certain amended FADEC D EECUs.

Differences Between This AD and the EASA AD

The EASA AD applies to Model AS350B3 and EC130T2 helicopters, with an ARRIEL 2D engine and THALES FADEC P/N C13165DA00 or P/N C13165FA00 installed, whereas this AD applies to those helicopters except not those with THALES FADEC P/N C13165DA00 with amendment A or P/N C13165FA00 with amendment B installed. This AD also allows installing those amendments on the FADEC as an optional terminating action, whereas the EASA AD does not.

Costs of Compliance

The FAA estimates that this AD affects up to 628 helicopters of U.S. Registry. Labor rates are estimated at \$85 per work-hour. Based on these numbers, the FAA estimates the following costs to comply with this AD.

Revising the existing RFM for your helicopter takes about 0.25 work-hour for an estimated cost of \$21 per helicopter and up to \$13,188 for the U.S. fleet.

Authority for This Rulemaking

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

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

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

- (1) Is not a "significant regulatory action" under Executive Order 12866,
- (2) Will not affect intrastate aviation in Alaska, and
- (3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Amendment

Accordingly, under the authority delegated to me by the Administrator,

the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2021-11-25 Airbus Helicopters (Type Certificate Previously Held by Eurocopter France): Amendment 39-21587; Docket No. FAA-2017-0432; Project Identifier 2013-SW-074-AD.

(a) Effective Date

This airworthiness directive (AD) is effective July 29, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Helicopters (Type Certificate previously held by Eurocopter France) Model AS350B3 and EC130T2 helicopters, certificated in any category, with an ARRIEL 2D engine and THALES full authority digital engine control (FADEC) part number (P/N) C13165DA00 without amendment A or P/N C13165FA00 without amendment B, installed.

Note 1 to paragraph (c): Helicopters with an AS350B3e designation are Model AS350B3 helicopters.

(d) Subject

Joint Aircraft Service Component (JASC) Code: 7321, Engine Fuel Control/Turbine Engines.

(e) Unsafe Condition

This AD was prompted by a report of failure of an engine digital electronic control unit. The FAA is issuing this AD to prevent incorrect indicator illumination, display failure, and loss of fuel flow regulation (frozen fuel metering unit). The unsafe condition, if not addressed, could result in misleading information to the pilot, rotor overspeed or unavailability of engine power, and subsequent loss of control of the helicopter.

(f) Compliance

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

(g) Required Actions

(1) Within 25 hours time-in-service after the effective date of this AD, revise the Emergency Procedures of the existing Rotorcraft Flight Manual (RFM) for your helicopter by inserting Appendix 4. of Airbus Helicopters Alert Service Bulletin (ASB) No. AS350-01.00.67 or ASB No. EC130-04A004, each Revision 2 and dated February 17, 2014 (ASB AS350-01.00.67 or ASB EC130-04A004), as applicable to your helicopter

model. Inserting a different document with information identical to that in Appendix 4. of ASB AS350-01.00.67 or ASB EC130-04A004, as applicable to your helicopter model, is acceptable for compliance with the requirement of this paragraph.

(2) As an optional terminating action for the requirement of paragraph (g)(1) of this AD, install amendment A on FADEC P/N C13165DA00 or amendment B on FADEC P/N C13165FA00.

(h) Alternative Methods of Compliance (AMOCs)

(1) The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Validation Branch, send it to the attention of the person identified in paragraph (i)(1) of this AD. Information may be emailed to: 9-AVS-AIR-730-AMOC@faa.gov.

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

(i) Related Information

(1) For more information about this AD, contact Jon Jordan, Rotorcraft Flight Test Pilot, Southwest Section, Flight Test Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222-5110; email jon.jordan@faa.gov.

(2) Safran Turbomeca Mandatory Service Bulletin No. 292 73 2852, Revision B, dated February 12, 2014, which is not incorporated by reference, contains additional information about the subject of this AD. Contact Safran Helicopter Engines, S.A., 64511 Bordes, France; phone: +33 (0) 5 59 74 45 11 for this service information. You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N-321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222-5110.

(3) The subject of this AD is addressed in European Aviation Safety Agency (now European Union Aviation Safety Agency) (EASA) AD 2013-0287, dated December 5, 2013. You may view the EASA AD at <https://www.regulations.gov> in Docket No. FAA-2017-0432.

(j) Material Incorporated by Reference

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

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

(i) Airbus Helicopters Alert Service Bulletin No. AS350-01.00.67, Revision 2, dated February 17, 2014.

(ii) Airbus Helicopters Alert Service Bulletin No. EC130-04A004, Revision 2, dated February 17, 2014.

(3) For Airbus Helicopters service information identified in this AD, contact Airbus Helicopters, 2701 N Forum Drive, Grand Prairie, TX 75052; telephone (972) 641-0000 or (800) 232-0323; fax (972) 641-3775; or at <https://www.airbus.com/helicopters/services/technical-support.html>.

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

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

Issued on May 24, 2021.

Gaetano A. Sciortino,

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

[FR Doc. 2021-13200 Filed 6-23-21; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2021-0023; Project Identifier MCAI-2020-01407-T; Amendment 39-21525; AD 2021-09-11]

RIN 2120-AA64

Airworthiness Directives; Saab AB, Support and Services (Formerly Known as Saab AB, Saab Aeronautics) Airplanes

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

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Saab AB, Support and Services Model SAAB 2000 airplanes. This AD was prompted by a report indicating that the left-hand main landing gear (MLG) collapsed after touchdown, causing severe damage to the airplane. This AD requires modifying the MLG hydraulic transfer valve, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective July 29, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of July 29, 2021.

ADDRESSES: For material incorporated by reference (IBR) in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email ADs@easa.europa.eu; internet www.easa.europa.eu. You may find this IBR material on the EASA website at <https://ad.easa.europa.eu>. You may view this IBR material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195. It is also available in the AD docket on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0023.

Examining the AD Docket

You may examine the AD docket on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0023; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Shahram Daneshmandi, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206-231-3220; email Shahram.Daneshmandi@faa.gov.

SUPPLEMENTARY INFORMATION:

Discussion

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2020-0223, dated October 14, 2020 (EASA AD 2020-0223) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for all Saab AB, Support and Services Model SAAB 2000 airplanes.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Saab AB, Support and Services Model SAAB 2000 airplanes. The NPRM published in the **Federal Register** on February 24, 2021 (86 FR 11184). The NPRM was prompted by a report indicating that the left-hand MLG collapsed after touchdown, causing severe damage to the airplane. The

NPRM proposed to require modifying the MLG hydraulic transfer valve, as specified in EASA AD 2020–0223.

The FAA is issuing this AD to address abnormal behavior of the MLG hydraulic transfer valve due to a restriction in hydraulic flow, which could cause the MLG hydraulic transfer valve to not function properly and fail to retract, extend, or lock the MLG, and possibly result in MLG collapse following landing and consequent damage to the airplane and injury to occupants. See the MCAI for additional background information.

Comments

The FAA gave the public the opportunity to participate in developing this final rule. The FAA received no

comments on the NPRM or on the determination of the cost to the public.

Conclusion

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

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

Related Service Information Under 1 CFR Part 51

EASA AD 2020–0223 describes procedures for modifying the MLG

hydraulic transfer valve. This modification includes installing a new relay, relocation of wiring, and installation of new wiring, to ensure that, when the emergency extension handle is used, the transfer valve solenoid is energized to force the transfer valve to the “gear down” position. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the ADDRESSES section.

Costs of Compliance

The FAA estimates that this AD affects 8 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
20 work-hours × \$85 per hour = \$1,700	\$1,875	\$3,575	\$28,600

Authority for This Rulemaking

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

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

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2021–09–11 Saab AB, Support and Services (Formerly Known as Saab AB, Saab Aeronautics): Amendment 39–21525; Docket No. FAA–2021–0023; Project Identifier MCAI–2020–01407–T.

(a) Effective Date

This airworthiness directive (AD) is effective July 29, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Saab AB, Support and Services Model SAAB 2000 airplanes, certificated in any category.

(d) Subject

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

(e) Reason

This AD was prompted by a report indicating that the left-hand main landing gear (MLG) collapsed after touchdown, causing severe damage to the airplane. The FAA is issuing this AD to address abnormal behavior of the MLG hydraulic transfer valve due to a restriction in hydraulic flow, which could cause the MLG hydraulic transfer valve to not function properly and fail to retract, extend, or lock the MLG, and possibly result in MLG collapse following landing and consequent damage to the airplane and injury to occupants.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2020–0223, dated October 14, 2020 (EASA AD 2020–0223).

(h) Exceptions to EASA AD 2020–0223

(1) Where EASA AD 2020–0223 refers to its effective date, this AD requires using the effective date of this AD.

(2) The "Remarks" section of EASA AD 2020-0223 does not apply to this AD.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

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

(j) Related Information

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

(k) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2020-0223, dated October 14, 2020.

(ii) [Reserved]

(3) For EASA AD 2020-0223, contact EASA, Konrad-Adenauer-Ufer 3, 50668

Cologne, Germany; telephone +49 221 8999 000; email ADs@easa.europa.eu; Internet www.easa.europa.eu. You may find this EASA AD on the EASA website at <https://ad.easa.europa.eu>.

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195. This material may be found in the AD docket on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0023.

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

Issued on April 20, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021-13114 Filed 6-23-21; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2021-0026; Project Identifier AD-2020-01164-T; Amendment 39-21544; AD 2021-10-11]

RIN 2120-AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all The Boeing Company Model 737-100, -200, -200C, -300, -400, and -500 series airplanes. This AD was prompted by a report indicating that a crack was found on the splice angle flange that is attached to the station (STA) 540 bulkhead in the area between certain stringers. This AD requires repetitive surface high frequency eddy current (HFEC) inspections at the radius of the left- and right-side of the STA 540 bulkhead splice angle for any cracking, and applicable on-condition actions. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective July 29, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of July 29, 2021.

ADDRESSES: For service information identified in this final rule, contact

Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminister Blvd., MC 110-SK57, Seal Beach, CA 90740-5600; telephone 562-797-1717; internet <https://www.myboeingfleet.com>. You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195. It is also available at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0026.

Examining the AD Docket

You may examine the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0026; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT:

Wayne Ha, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712-4137; phone: 562-627-5238; fax: 562-627-5210; email: Wayne.Ha@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all The Boeing Company Model 737-100, -200, -200C, -300, -400, and -500 series airplanes. The NPRM published in the **Federal Register** on February 24, 2021 (86 FR 11186). The NPRM was prompted by a report indicating that a crack was found on the splice angle flange that is attached to the STA 540 bulkhead in the area between certain stringers. In the NPRM, the FAA proposed to require repetitive surface HFEC inspections at the radius of the left- and right-side of the STA 540 bulkhead splice angle for any cracking, and applicable on-condition actions. The FAA is issuing this AD to address any cracking in the splice angle, which could result in the inability of a principal structural element to sustain limit load and could adversely affect the structural integrity of the airplane; in addition, such cracking could lead to

adjoining parts cracking and a potential fuel leak and consequent fire.

Discussion of Final Airworthiness Directive

Comments

The FAA received a comment from Boeing who supported the NPRM without change.

The FAA also received an additional comment from Aviation Partners Boeing.

Effect of Winglets on Accomplishment of the Proposed Actions

Aviation Partners Boeing stated that accomplishing Supplemental Type Certificate (STC) ST01219SE does not affect the actions specified in the proposed AD.

The FAA concurs with the commenter. The FAA has redesignated paragraph (c) of the proposed AD as paragraph (c)(1) of this AD and added

paragraph (c)(2) to this AD to state that installation of STC ST01219SE does not affect the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST01219SE is installed, a “change in product” alternative method of compliance (AMOC) approval request is not necessary to comply with the requirements of 14 CFR 39.17.

Conclusion

The FAA reviewed the relevant data, considered any comments received, and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on these products. Except for minor editorial changes, and any other changes described previously, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

Related Service Information Under 14 CFR Part 51

The FAA reviewed Boeing Alert Requirements Bulletin 737–57A1347 RB, dated July 29, 2020. The service information describes procedures for repetitive surface HFEC inspections at the radius of the left- and right-side of the STA 540 bulkhead splice angle for any cracking, and applicable on-condition actions. On-condition actions include repair or replacement. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in ADDRESSES.

Costs of Compliance

The FAA estimates that this AD affects 117 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Repetitive surface HFEC inspections.	7 work-hour × \$85 per hour = \$595 per inspection cycle.	\$0	\$595 per inspection cycle	\$69,615 per inspection cycle.

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

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
Up to 53 work-hour × \$85 per hour = Up to \$4,505 (replacement).	Up to \$1,000	Up to \$5,505.

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

Authority for This Rulemaking

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

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce.

This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

- (1) Is not a “significant regulatory action” under Executive Order 12866,
- (2) Will not affect intrastate aviation in Alaska, and
- (3) Will not have a significant economic impact, positive or negative,

on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2021–10–11 The Boeing Company:

Amendment 39–21544; Docket No. FAA–2021–0026 Project Identifier AD–2020–01164–T.

(a) Effective Date

This airworthiness directive (AD) is effective July 29, 2021.

(b) Affected ADs

None.

(c) Applicability

(1) This AD applies to all The Boeing Company Model 737–100, –200, –200C, –300, –400, and –500 series airplanes, certificated in any category.

(2) Installation of Supplemental Type Certificate (STC) ST01219SE does not affect the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST01219SE is installed, a “change in product” alternative method of compliance (AMOC) approval request is not necessary to comply with the requirements of 14 CFR 39.17.

(d) Subject

Air Transport Association (ATA) of America Code 57, Wings.

(e) Unsafe Condition

This AD was prompted by a report indicating that a crack was found on the splice angle flange that is attached to the station (STA) 540 bulkhead in the area between stringer 21 to stringer 22. The FAA is issuing this AD to address any cracking in the splice angle, which could result in the inability of a principal structural element to sustain limit load and could adversely affect the structural integrity of the airplane; in addition, such cracking could lead to adjoining parts cracking and a potential fuel leak and consequent fire.

(f) Compliance

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

(g) Required Actions

(1) For airplanes identified as Group 1 in Boeing Alert Requirements Bulletin 737–57A1347 RB, dated July 29, 2020: Within 120 days after the effective date of this AD, inspect the airplane and do all applicable on-condition actions using a method approved in accordance with the procedures specified in paragraph (i) of this AD.

(2) For airplanes identified as Group 2 in Boeing Alert Requirements Bulletin 737–57A1347 RB, dated July 29, 2020: Except as specified by paragraph (h) of this AD, at the applicable times specified in the “Compliance” paragraph of Boeing Alert Requirements Bulletin 737–57A1347 RB, dated July 29, 2020, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin 737–57A1347 RB, dated July 29, 2020.

Note 1 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin 737–57A1347, dated July 29, 2020, which is referred to in Boeing Alert Requirements Bulletin 737–57A1347 RB, dated July 29, 2020.

(h) Exceptions to Service Information Specifications

(1) Where Boeing Alert Requirements Bulletin 737–57A1347 RB, dated July 29, 2020, uses the phrase “the original issue date of Requirements Bulletin 737–57A1347 RB,” this AD requires using “the effective date of this AD.”

(2) Where Boeing Alert Requirements Bulletin 737–57A1347 RB, dated July 29, 2020, specifies contacting Boeing for repair instructions: This AD requires doing the repair using a method approved in accordance with the procedures specified in paragraph (i) of this AD.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Los Angeles ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (j)(1) of this AD. Information may be emailed to: 9-ANM-LAACO-AMOC-Requests@faa.gov.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

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

(j) Related Information

(1) For more information about this AD, contact Wayne Ha, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5238; fax: 562–627–5210; email: Wayne.Ha@faa.gov.

(2) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (k)(3) and (4) of this AD.

(k) Material Incorporated by Reference

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

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

(i) Boeing Alert Requirements Bulletin 737–57A1347 RB, dated July 29, 2020.

(ii) [Reserved]

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

(4) You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

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

Issued on April 30, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–13122 Filed 6–23–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA–2021–0254; Project Identifier MCAI–2020–00481–R; Amendment 39–21595; AD 2021–12–08]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters Deutschland GmbH (AHD) Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Airbus Helicopters Deutschland GmbH (AHD) Model MBB–BK 117 D–2 helicopters. This AD was prompted by reports of chafing marks on the wiring harness behind the middle side panels in the area of the front passenger (PAX) panels. This AD requires inspecting, modifying, and rerouting the wiring harness, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products. **DATES:** This AD is effective July 29, 2021.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of July 29, 2021.

ADDRESSES: For material incorporated by reference (IBR) in this AD, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email ADs@easa.europa.eu; internet www.easa.europa.eu. You may find this IBR information on the EASA website at <https://ad.easa.europa.eu>. For service information identified in this final rule, contact Airbus Helicopters, 2701 N Forum Drive, Grand Prairie, TX 75052; telephone (972) 641-0000 or (800) 232-0323; fax (972) 641-3775; or at <http://www.airbushelicopters.com/techpub>. You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N-321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222-5110. It is also available in the AD docket on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0254.

Examining the AD Docket

You may examine the AD docket on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0254; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Blaine Williams, Aerospace Engineer, Los Angeles ACO Branch, Compliance & Airworthiness Division, 3960 Paramount Blvd., Lakewood, CA 90712; telephone 562-627-5371; email blaine.williams@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2019-0305, dated December 17, 2019 (EASA AD 2019-0305), to correct an unsafe condition for all Airbus Helicopters Deutschland GmbH Model MBB-BK117 D-2 helicopters.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Airbus Helicopters Deutschland GmbH Model MBB-BK117 D-2 helicopters. The NPRM published in the **Federal Register** on April 2, 2021

(86 FR 17330). The NPRM was prompted by reports of chafing marks on the wiring harness behind the middle side panels in the area of the front PAX panels. The NPRM proposed to require inspecting, modifying, and rerouting the wiring harness, as specified in the EASA AD.

The FAA is issuing this AD to prevent electrical failure of the helicopter wiring harness. See the EASA AD for additional background information.

Discussion of Final Airworthiness Directive

Comments

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

Conclusion

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

Related Service Information Under 1 CFR Part 51

EASA AD 2019-0305 specifies inspecting the wiring harness installed behind the front PAX panel of the left and right hand middle side panels and depending on the results, repairing or modifying the wiring harness. For a modified wiring harness, EASA AD 2019-0305 specifies repetitively inspecting for damage.

The FAA also reviewed Airbus Helicopters Alert Service Bulletin (ASB) MBB-BK117 D-2-88A-003, Revision 1 and dated December 9, 2019 (ASB MBB-BK117 D-2-88A-003). ASB MBB-BK117 D-2-88A-003 applies to Model MBB-BK-117 D-2 and D-2m helicopters. This service information specifies inspecting, repairing, and modifying the wiring harness installed behind the front PAX panel of the left and right hand middle side panels. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Differences Between This AD and the EASA AD

Where the EASA AD refers to flight hours, this AD uses hours time-in-service (TIS) instead. Where the EASA AD allows a tolerance to the compliance time of certain initial and repetitive inspections, this AD requires a compliance time of within 440 hours TIS after modification of an affected part for a certain initial inspection and thereafter at intervals within 440 hours

TIS for certain repetitive inspections instead. Where the EASA AD requires repetitive inspections in accordance with paragraph 3.B.8. of ASB MBB-BK117 D-2-88A-003, this AD requires repetitive inspections in accordance with paragraph 3.B.9. of ASB MBB-BK117 D-2-88A-003.

Costs of Compliance

The FAA estimates that this AD affects 60 helicopters of U.S. Registry. Labor rates are estimated at \$85 per work-hour. Based on these numbers, the FAA estimates that operators may incur the following costs in order to comply with this AD. Inspecting the wiring harness takes about 6 work-hours for an estimated cost of \$510 per helicopter and \$30,600 for the U.S. fleet, per inspection cycle. Modification during the inspection of the wiring harness takes about 6 work-hours for an estimated cost of \$510 per helicopter.

Authority for This Rulemaking

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

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

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

- (1) Is not a "significant regulatory action" under Executive Order 12866,
- (2) Will not affect intrastate aviation in Alaska, and
- (3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities

under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2021–12–08 Airbus Helicopters

Deutschland GmbH (AHD): Amendment 39–21595; Docket No. FAA–2021–0254; Project Identifier MCAI–2020–00481–R.

(a) Effective Date

This airworthiness directive (AD) is effective July 29, 2021.

(b) Affected Airworthiness Directives

None.

(c) Applicability

This AD applies to all Airbus Helicopters Deutschland GmbH (AHD) Model MBB–BK 117 D–2 helicopters, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code: 1497, Miscellaneous Wiring.

(e) Reason

This AD was prompted by reports of chafing marks found on the wiring harness behind the middle side panels, in the area of the front passenger panels. Further investigations identified low clearance between the harness and the surrounding structure. Airbus Helicopters identified the cause of the chafing marks as contact of the harness with the front passenger panel screws. The FAA is issuing this AD to prevent electrical failure of the helicopter wiring harness.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2019–0305, dated December 17, 2019 (EASA AD 2019–0305).

(h) Exceptions to EASA AD 2019–0305

(1) Where EASA AD 2019–0305 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where EASA AD 2019–0305 refers to flight hours (FH), this AD requires using hours time-in-service (TIS).

(3) Where paragraph (6) of EASA AD 2019–0305 specifies a compliance time for the initial inspection of within 400 flight hours after the modification of an affected part and thereafter at intervals not exceeding 400 flight hours, plus a non-cumulative tolerance of 40 flight hours, this AD requires a compliance time of within 440 hours TIS after the modification of an affected part for the initial inspection and thereafter at intervals not exceeding 440 hours TIS.

(4) Where paragraph (6) of EASA AD specifies repetitive inspections in accordance with paragraph 3.B.8. of the referenced Alert Service Bulletin (ASB), this AD requires repetitive inspections in accordance with paragraph 3.B.9. of ASB MBB–BK117 D–2–88A–003, Revision 1 and dated December 9, 2019.

(5) Where the service information referenced in EASA AD 2019–0305 specifies to use tooling, equivalent tooling may be used.

(6) The “Remarks” section of EASA AD 2019–0305 does not apply to this AD.

(i) Special Flight Permit

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

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Validation Branch, send it to the attention of the person identified in paragraph (k) of this AD. Information may be emailed to: 9-AVS-AIR-730-AMOC@faa.gov.

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

(k) Related Information

For more information about this AD, contact Blaine Williams, Aerospace Engineer, Los Angeles ACO Branch, Compliance & Airworthiness Division, 3960 Paramount Blvd., Lakewood, CA 90712; telephone 562–627–5371; email blaine.williams@faa.gov.

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2019–0305, dated December 17, 2019.

(ii) Airbus Helicopters Alert Service Bulletin ASB MBB–BK117 D–2–88A–003, Revision 1, dated December 9, 2019.

(3) For EASA AD 2019–0305, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email ADs@easa.europa.eu; internet www.easa.europa.eu. You may find this EASA AD on the EASA website at <https://ad.easa.europa.eu>.

(4) For Airbus Helicopters Alert Service Bulletin ASB MBB–BK117 D–2–88A–003, Revision 1, contact Airbus Helicopters, 2701 North Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at <https://www.airbus.com/helicopters/services/technical-support.html>.

(5) You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817)222–5110. This material may be found in the AD docket on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA–2021–0254.

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

Issued on May 28, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–13128 Filed 6–23–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0448; Project Identifier MCAI–2021–00044–T; Amendment 39–21591; AD 2021–12–04]

RIN 2120–AA64

Airworthiness Directives; Fokker Services B.V. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Fokker Services B.V. Model F28 Mark 0070 and 0100 airplanes. This AD was prompted by a report that corrosion was found on the horizontal flange on the front spar lower boom, between the rebate strap and the lower boom, and

resulted in bulging. This AD requires doing a detailed visual inspection to detect any bulging, loose, and missing countersunk fastener heads at the left-(LH) and right-hand (RH) outer wing lower skin of the front spar between certain wing stations, and applicable on-condition actions, as specified in a European Union Aviation Safety Agency (EASA), which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD becomes effective July 9, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of July 9, 2021.

The FAA must receive comments on this AD by August 9, 2021.

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

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Follow the instructions for submitting comments.

- *Fax:* 202-493-2251.

- *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For material incorporated by reference (IBR) in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email ADS@easa.europa.eu; internet www.easa.europa.eu. You may find this IBR material on the EASA website at <https://ad.easa.europa.eu>. You may view this IBR material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195. It is also available in the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0448.

Examining the AD Docket

You may examine the AD docket on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0448; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, any comments received, and other information. The street address for Docket Operations is listed above.

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

SUPPLEMENTARY INFORMATION:

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2021-0014, dated January 13, 2021 (EASA AD 2021-0014) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for all Fokker Services B.V. Model F28 Mark 0070 and 0100 airplanes.

This AD was prompted by a report that corrosion was found on the horizontal flange on the front spar lower boom, between the rebate strap and the lower boom, and resulted in bulging. The FAA is issuing this AD to address corrosion on the horizontal flange, which could lead to reduced structural integrity of the wing torsion box structure. See the MCAI for additional background information.

Related Service Information Under 1 CFR Part 51

EASA AD 2021-0014 specifies procedures for doing a detailed visual inspection to detect any bulging, loose, and missing countersunk fastener heads at the LH and RH outer wing lower skin of the front spar between wing station (WSTA) 10110 and WSTA 11190; and applicable on-condition actions. On-condition actions include repetitive detailed visual inspections of the LH and RH outer wing lower skin, at the front spar between WSTA 10110 and WSTA 11190, if bulging between 0.5 mm and 3 mm is found; a detailed visual inspection to detect corrosion at the front spar lower boom and rebate strap if any bulging, loose, or missing countersunk fastener head, or bulging in excess of 3 mm, is found; and repair of any corrosion damage. EASA AD 2021-0014 also specifies reporting inspection findings. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the State of Design Authority, the FAA has been notified of the unsafe condition

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

Requirements of This AD

This AD requires accomplishing the actions specified in EASA AD 2021-0014 described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use certain civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with other manufacturers and CAAs. As a result, EASA AD 2021-0014 is incorporated by reference in this AD. This AD, therefore, requires compliance with EASA AD 2021-0014 in its entirety, through that incorporation, except for any differences identified as exceptions in the regulatory text of this AD. Using common terms that are the same as the heading of a particular section in EASA AD 2021-0014 does not mean that operators need comply only with that section. For example, where the AD requirement refers to "all required actions and compliance times," compliance with this AD requirement is not limited to the section titled "Required Action(s) and Compliance Time(s)" in the EASA AD. Service information specified in EASA AD 2021-0014 that is required for compliance with it is available at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0448.

FAA's Justification and Determination of the Effective Date

Section 553(b)(3)(B) of the Administrative Procedure Act (APA) (5 U.S.C. 551 *et seq.*) authorizes agencies to dispense with notice and comment procedures for rules when the agency, for "good cause," finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." Under this section, an agency, upon finding good cause, may issue a final rule without providing notice and seeking comment prior to issuance. Further, section 553(d) of the APA authorizes agencies to make rules

effective in less than thirty days, upon a finding of good cause.

There are currently no domestic operators of these products. Accordingly, notice and opportunity for prior public comment are unnecessary, pursuant to 5 U.S.C. 553(b)(3). In addition, for the foregoing reason, the FAA finds that good cause exists pursuant to 5 U.S.C. 553(d) for making this amendment effective in less than 30 days.

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under **ADDRESSES**. Include “Docket No. FAA–2021–0448; Project Identifier MCAI–2021–00044–T” at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this final rule because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this AD contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this AD, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as “PROPIN.” The FAA will treat such marked submissions as confidential under the FOIA, and they

will not be placed in the public docket of this AD. Submissions containing CBI should be sent to Tom Rodriguez, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3226; email Tom.Rodriguez@faa.gov. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Regulatory Flexibility Act (RFA)

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

Costs of Compliance

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

ESTIMATED COSTS FOR REQUIRED ACTIONS *

	Labor cost	Parts cost	Cost per product
2 work-hours × \$85 per hour = \$170		\$0	\$170

* Table does not include estimated costs for reporting.

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

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

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB control number. The control number for the collection of information required by this AD is 2120–0056. The paperwork cost associated with this AD has been detailed in the Costs of Compliance section of this document and includes time for reviewing instructions, as well as completing and

reviewing the collection of information. Therefore, all reporting associated with this AD is mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177–1524.

Authority for This Rulemaking

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

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds

necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

The FAA determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

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

(2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2021–12–04 Fokker Services B.V.:

Amendment 39–21591; Docket No. FAA–2021–0448; Project Identifier MCAI–2021–00044–T.

(a) Effective Date

This airworthiness directive (AD) becomes effective July 9, 2021.

(b) Affected ADs

None.

(c) Applicability

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

(d) Subject

Air Transport Association (ATA) of America Code 57, Wings.

(e) Reason

This AD was prompted by a report that corrosion was found on the horizontal flange on the front spar lower boom, between the rebate strap and the lower boom, and resulted in bulging. The FAA is issuing this AD to address corrosion on the horizontal flange, which could lead to reduced structural integrity of the wing torsion box structure.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2021–0014, dated January 13, 2021 (EASA AD 2021–0014).

(h) Exceptions to EASA AD 2021–0014

(1) Where EASA AD 2021–0014 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where paragraph (2) of EASA AD 2021–0014 requires additional actions for bulging “between 0.5 mm and 3 mm,” this AD requires those additional actions for bulging 0.5 mm or more and 3.0 mm or less.

(3) The “Remarks” section of EASA AD 2021–0014 does not apply to this AD.

(4) Paragraph (5) of EASA AD 2021–0014 specifies to report inspection results within

a certain compliance time. For this AD, report the inspection results of each inspection accomplished in this AD at the applicable time specified in paragraph (h)(4)(i) or (ii) of this AD.

(i) If the inspection was done on or after the effective date of this AD: Submit the report within 30 days after the inspection.

(ii) If the inspection was done before the effective date of this AD: Submit the report within 30 days after the effective date of this AD.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

(j) Related Information

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

(k) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2021–0014, dated January 13, 2021.

(ii) [Reserved]

(3) For EASA AD 2021–0014, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email ADs@easa.europa.eu; internet www.easa.europa.eu. You may find this EASA AD on the EASA website at <https://ad.easa.europa.eu>.

(4) You may view this material at the FAA, Airworthiness Products Section, Operational

Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. This material may be found in the AD docket on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA–2021–0448.

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

Issued on May 27, 2021.

Gaetano A. Sciortino,

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

[FR Doc. 2021–13108 Filed 6–23–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0256; Project Identifier MCAI–2020–00480–R; Amendment 39–21596; AD 2021–12–09]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters Deutschland GmbH (AHD) Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Airbus Helicopters Deutschland GmbH (AHD) Model MBB–BK 117 D–2 helicopters. This AD was prompted by a short circuit in a yaw trim actuator connector that occurred during production electrical tests. This AD requires replacing certain wire harness trim connector backshells (backshells), as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective July 29, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of July 29, 2021.

ADDRESSES: For material incorporated by reference (IBR) in this AD, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email ADs@easa.europa.eu; internet www.easa.europa.eu. You may find this

material on the EASA website at <https://ad.easa.europa.eu>. You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N-321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222-5110. It is also available in the AD docket on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0256.

Examining the AD Docket

You may examine the AD docket on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0256; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Katherine Venegas, Aviation Safety Engineer, Los Angeles ACO Branch, Compliance & Airworthiness Division, FAA, 3960 Paramount Blvd., Lakewood, CA 90712; telephone (562) 627-5353; email katherine.venegas@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2019-0198, dated August 15, 2019 (EASA AD 2019-0198), to correct an unsafe condition for all Airbus Helicopters Deutschland GmbH (AHD), formerly Eurocopter Deutschland GmbH, Model MBB-BK117 D-2 helicopters.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to Airbus Helicopters Deutschland GmbH Model MBB-BK 117 D-2 helicopters. The NPRM published in the **Federal Register** on April 2, 2021 (86 FR 17322). The NPRM was prompted by a short circuit in a yaw trim actuator connector that occurred during production electrical tests. Subsequent investigations determined that a sharp edge in the backshell damaged the wiring insulation. The NPRM proposed to require replacing certain backshells, as specified in an EASA AD.

The FAA is issuing this AD to address an unsafe condition that could result in yaw or pitch trim runaway and

subsequent loss of control of the helicopter. See EASA AD 2019-0198 for additional background information.

Discussion of Final Airworthiness Directive

Comments

The FAA gave the public the opportunity to participate in developing this final rule. The FAA received comments from one commenter; however, none of the comments requested a change to the requirements proposed by the NPRM or the determination of the cost to the public.

Conclusion

The FAA reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this final rule as proposed.

Related Service Information Under 1 CFR Part 51

EASA AD 2019-0198 specifies replacing backshells part number (P/N) M85049/90-13W02 if manufactured by AMPHENOL or if the manufacturer is unknown (affected part) with backshells P/N M85049/90-13W02 not manufactured by AMPHENOL (serviceable part). EASA AD 2019-0198 also prohibits the (re-)installation of an affected part.

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

Differences Between This AD and the EASA AD

EASA AD 2019-0198 applies to all Model MBB-BK117 D-2 helicopters, whereas this AD applies to that model helicopter with an affected part installed instead. EASA AD 2019-0198 requires replacing each affected part with a serviceable part within 9 months, whereas this AD requires that replacement within 30 hours time-in-service instead.

Costs of Compliance

The FAA estimates that this AD affects 30 helicopters of U.S. Registry. Labor rates are estimated at \$85 per work-hour. Based on these numbers, the FAA estimates that operators may incur the following costs in order to comply with this AD.

Replacing each backshell takes about 8 work-hours and parts cost \$220, for an estimated cost of \$900 per backshell.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue

rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

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

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

- (1) Is not a "significant regulatory action" under Executive Order 12866,
- (2) Will not affect intrastate aviation in Alaska, and
- (3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2021-12-09 Airbus Helicopters

Deutschland GmbH (AHD): Amendment 39-21596; Docket No. FAA-2021-0256; Project Identifier MCAI-2020-00480-R.

(a) Effective Date

This airworthiness directive (AD) is effective July 29, 2021.

(b) Affected Airworthiness Directives

None.

(c) Applicability

This AD applies to Airbus Helicopters Deutschland GmbH (AHD) Model MBB-BK 117 D-2 helicopters, certificated in any category, having an affected part as defined in European Union Aviation Safety Agency (EASA) AD 2019-0198, dated August 15, 2019 (EASA AD 2019-0198).

(d) Subject

Joint Aircraft System Component (JASC) Code 2700, Flight Control System.

(e) Reason

This AD was prompted by a short circuit in a yaw trim actuator connector that occurred during production electrical tests. Subsequent investigations determined that a sharp edge in the wire harness trim connector backshell damaged the wiring insulation. The FAA is issuing this AD to address an unsafe condition that could result in yaw or pitch trim runaway and subsequent loss of control of the helicopter.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with EASA AD 2019-0198.

(h) Exceptions to EASA AD 2019-0198

(1) Where EASA AD 2019-0198 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where paragraph (1) of EASA AD 2019-0198 specifies to replace each affected part with a serviceable part within 9 months, this AD requires replacing each affected part with a serviceable part within 30 hours time-in-service after the effective date of this AD.

(3) Although the service information referenced in EASA AD 2019-0198 specifies to discard certain parts, this AD requires removing those parts from service.

(4) Where the service information referenced in EASA AD 2019-0198 specifies to use tooling, equivalent tooling may be used.

(5) Paragraph (2) of EASA AD 2019-0198 does not apply to this AD; this AD requires compliance with paragraph (i) of this AD.

(6) The "Remarks" section of EASA AD 2019-0198 does not apply to this AD.

(i) Parts Installation Prohibition

As of the effective date of this AD, do not install a wire harness trim connector backshell identified in paragraph (c) of this AD on any helicopter.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, International Validation Branch, FAA, has the authority to approve

AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Validation Branch, send it to the attention of the person identified in paragraph (k) of this AD. Information may be emailed to: 9-AVS-AIR-730-AMOC@faa.gov.

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

(k) Related Information

For more information about this AD, contact Katherine Venegas, Aviation Safety Engineer, Los Angeles ACO Branch, Compliance & Airworthiness Division, FAA, 3960 Paramount Blvd., Lakewood, CA 90712; telephone (562) 627-5353; email katherine.venegas@faa.gov.

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2019-0198, dated August 15, 2019.

(ii) [Reserved]

(3) For EASA AD 2019-0198, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email ADs@easa.europa.eu; internet www.easa.europa.eu. You may find this EASA AD on the EASA website at <https://ad.easa.europa.eu>.

(4) You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N-321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222-5110. This material may be found in the AD docket on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0256.

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

Issued on May 28, 2021.

Gaetano A. Sciortino,

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

[FR Doc. 2021-13127 Filed 6-23-21; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA-2021-0017; Project Identifier AD-2020-01186-T; Amendment 39-21600; AD 2021-12-13]

RIN 2120-AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain The Boeing Company Model 737-8 and 737-9 airplanes. This AD was prompted by a report that during refueling of the right main tank, if there is a failure of the automatic shutoff system, the refueling panel does not provide the required indication that the automatic shutoff has failed. This AD requires installing a new fuel quantity processor unit (FQPU) and doing an FQPU software check. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective July 29, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of July 29, 2021.

ADDRESSES: For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminister Blvd., MC 110-SK57, Seal Beach, CA 90740-5600; telephone 562-797-1717; internet <https://www.myboeingfleet.com>. You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195. It is also available at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0017.

Examining the AD Docket

You may examine the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0017; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of

Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT:

Chris Baker, Aerospace Engineer, Propulsion Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206-231-3552; email: christopher.r.baker@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain The Boeing Company Model 737-8 and 737-9 airplanes. The NPRM published in the **Federal Register** on April 2, 2021 (86 FR 17324). The NPRM was prompted by a report that during refueling of the right main tank, if there is a failure of the automatic shutoff system, the refueling panel does not provide the required indication that

the automatic shutoff has failed. In the NPRM, the FAA proposed to require installing a new FQPU and doing an FQPU software check. The FAA is issuing this AD to address this indication failure to warn the person fueling the airplane, which could cause overfill of the right main tank, spilled fuel, and pooling on the ground that could come in contact with an ignition source, resulting in a ground fire.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from Boeing and United Airlines who supported the NPRM without change.

Conclusion

The FAA reviewed the relevant data, considered any comments received, and determined that air safety requires adopting this AD as proposed. Except for minor editorial changes, this AD is adopted as proposed in the NPRM.

None of the changes will increase the economic burden on any operator.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Boeing Special Attention Requirements Bulletin 737-28-1363 RB, dated June 2, 2020. The service information specifies procedures for replacing the FQPU having an incorrect indication threshold with an FQPU with part number 30128-06 or 30128-58, as applicable, or an FQPU with a later-approved part number, and doing an FQPU software check. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in **ADDRESSES**.

Costs of Compliance

The FAA estimates that this AD affects 66 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Installation and software check	3 work-hour × \$85 per hour = \$255	\$0	\$255	\$16,830

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

Authority for This Rulemaking

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

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

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

- (1) Is not a "significant regulatory action" under Executive Order 12866,
- (2) Will not affect intrastate aviation in Alaska, and
- (3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2021-12-13 The Boeing Company:
Amendment 39-21600; Docket No. FAA-2021-0017; Project Identifier AD-2020-01186-T.

(a) Effective Date

This airworthiness directive (AD) is effective July 29, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 737-8 and 737-9 airplanes, certificated in any category, as identified in Boeing Special Attention Requirements Bulletin 737-28-1363 RB, dated June 2, 2020.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by a report that during refueling of the right main tank, if there is a failure of the automatic shutoff system, the refueling panel does not provide the required flashing indication that the automatic shutoff has failed to shut off the fuel. The FAA is issuing this AD to address this indication failure to warn the person fueling the airplane, which could cause overflow of the right main tank, spilled fuel, and pooling on the ground that could come in contact with an ignition source, resulting in a ground fire.

(f) Compliance

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

(g) Required Actions

Except as specified by paragraph (h) of this AD, at the applicable times specified in the "Compliance" paragraph of Boeing Special Attention Requirements Bulletin 737-28-1363 RB, dated June 2, 2020, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Special Attention Requirements Bulletin 737-28-1363 RB, dated June 2, 2020.

Note 1 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Special Attention Service Bulletin 737-28-1363, dated June 2, 2020, which is referred to in Boeing Special Attention Requirements Bulletin 737-28-1363 RB, dated June 2, 2020.

(h) Exception to Service Information Specifications

Where Boeing Special Attention Requirements Bulletin 737-28-1363 RB, dated June 2, 2020, uses the phrase "the Original Issue date of Requirements Bulletin 737-28-1363 RB," this AD requires using "the effective date of this AD."

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (j)(1) of this AD. Information may be emailed to: 9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by The Boeing Company Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO Branch, FAA, to make those findings. To be approved, the repair method, modification deviation, or alteration

deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(j) Related Information

(1) For more information about this AD, contact Chris Baker, Aerospace Engineer, Propulsion Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206-231-3552; email: christopher.r.baker@faa.gov.

(2) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (k)(3) and (4) of this AD.

(k) Material Incorporated by Reference

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

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

(i) Boeing Special Attention Requirements Bulletin 737-28-1363 RB, dated June 2, 2020.

(ii) [Reserved]

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

(4) You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195.

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

Issued on June 3, 2021.

Gaetano A. Sciortino,

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

[FR Doc. 2021-13125 Filed 6-23-21; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA-2020-0680; Project Identifier 2020-NM-079-AD; Amendment 39-21598; AD 2021-12-11]

RIN 2120-AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2016-25-29, which applied to certain The Boeing Company Model 767-200 and -300 series airplanes. AD 2016-25-29 required replacing the cargo compartment insulation blankets on the left and right sides with new insulation blankets that incorporate fire stops. This AD was prompted by a report of a fire in the bilge area of the cargo compartment that burned through the insulation blankets that were intended to prevent smoke from migrating behind the cargo compartment sidewall liners and upward into the main cabin. This AD continues to require the actions in AD 2016-25-29 for certain airplanes. This AD also adds airplanes to the applicability and requires a general visual inspection of the replacement insulation blankets to determine if the blankets are in serviceable condition and correctly installed, and applicable on-condition actions. For certain airplanes, this AD also requires an inspection to determine the insulation blanket part number installed; replacement of additional insulation blankets; and applicable on-condition actions. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective July 29, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain publications listed in this AD as of July 29, 2021.

ADDRESSES: For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminister Blvd., MC 110-SK57, Seal Beach, CA 90740-5600; telephone 562-797-1717; internet <https://www.myboeingfleet.com>. You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195. It is also available at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2020-0680.

Examining the AD Docket

You may examine the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2020-0680; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this

final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Julie Linn, Aerospace Engineer, Cabin Safety and Environmental Systems Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206-231-3584; email: Julie.Linn@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2016-25-29, Amendment 39-18755 (81 FR 94956, December 27, 2016) (AD 2016-25-29). AD 2016-25-29 applied to certain The Boeing Company Model 767-200 and -300 series airplanes, and required replacing the cargo compartment insulation blankets on the left and right sides with new insulation blankets that incorporate fire stops. The NPRM published in the **Federal Register** on August 10, 2020 (85 FR 48122). The NPRM was prompted by a report of a fire in the bilge area of the cargo compartment that burned through the insulation blankets that were intended to prevent smoke from migrating behind the cargo compartment sidewall liners and upward into the main cabin. In the NPRM, the FAA proposed to continue to require the actions in AD 2016-25-29 for certain airplanes. The NPRM also proposed to add airplanes to the applicability and proposed to require a general visual inspection of the replacement insulation blankets to determine if the blankets are in serviceable condition and correctly installed, and applicable on-condition actions. For certain airplanes, the NPRM also proposed to require an inspection to determine the insulation blanket part number installed; replacement of additional insulation blankets; and applicable on-condition actions. The FAA is issuing this AD to address a fire in the bilge area of the cargo compartment, which if not contained could lead to a possible smoke and fire event in the passenger compartment.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from three commenters, including Aviation Partners Boeing, Delta Air Lines (DAL), and United Airlines (UAL). The following presents the comments

received on the NPRM and the FAA's response to each comment.

Effect of Winglets on Accomplishment of the Proposed Actions

Aviation Partners Boeing stated that the installation of winglets per Supplemental Type Certificate (STC) ST01920SE does not affect the accomplishment of the manufacturer's service instructions.

The FAA agrees with the commenter that STC ST01920SE does not affect the accomplishment of the manufacturer's service instructions. Therefore, the installation of STC ST01920SE does not affect the ability to accomplish the actions required by this AD. The FAA has not changed this AD in this regard.

Request To Delay Rule Pending Revised Referenced Service Information

UAL concurs with the NPRM and requested that the FAA delay issuance of the final rule until the referenced Illustrated Parts Catalog (IPC) and airplane maintenance manual (AMM) specified in Boeing Service Bulletin 767-25-0550, Revision 1, dated December 4, 2019, are revised to ensure continued airworthiness and safety. UAL stated that the referenced service information will provide proper documentation support to maintain the insulation blanket changes specified in Boeing Service Bulletin 767-25-0550, Revision 1, dated December 4, 2019, prior to the release of the final rule. UAL also commented that the revised referenced service information can mitigate incorrect repairs and blanket installation, and minimize future alternative methods of compliance (AMOC) requests.

The FAA disagrees with delaying the final rule. Since the publication of the NPRM, the operator's existing IPC and AMM have been revised and provide accurate part numbers and corrective action procedures for missing insulation blankets. In addition, an operator unable to accomplish the actions in this AD for any reason may request approval of an AMOC under the provisions of paragraph (i)(1) of this AD, if sufficient data are submitted to substantiate that the change would provide an acceptable level of safety. The FAA has not changed this AD in this regard.

Request To Identify Proper Insulation Blankets

UAL expressed concern about the post-compliance maintenance configuration using Boeing Service Bulletin 767-25-0550, Revision 1, dated December 4, 2019, in the absence of a revised Boeing 767 IPC (*i.e.*, Boeing 767 IPC sections 25-21-05; 25-52-03; 25-

52-52; 25-52-62; 25-55-01) to identify the proper insulation blankets with integrated fire stops. UAL described disagreements in the service information for the identity of the insulation blanket installations and corresponding part numbers in the aft and forward cargo compartment of post-modification airplanes and missing insulation blankets from certain appendixes and figures. UAL stated that it is essential to identify post-service bulletin configurations in certain Boeing 767 IPCs to ensure that AD compliance is maintained and to avoid inadvertent demodification by maintenance technicians. UAL commented that the configuration control for the airplane is the IPC, which maintenance technicians use for proper part replacement, and would alert maintenance personnel of insulation blankets having the integrated fire stops to ensure continued airworthiness.

As the FAA stated previously, since the NPRM was issued, relevant sections of the IPC have been revised. The operator's existing IPC contains the accurate part numbers and corrects missing insulation blankets. For clarification, the part numbers for the insulation blankets specified in Boeing Special Attention Service Bulletin 767-25-0550, dated January 15, 2015, and Boeing Special Attention Service Bulletin 767-25-0550, Revision 1, dated December 4, 2019, are acceptable for installation; the new part numbers requires less work to install. The FAA has revised paragraph (h)(4) of this AD accordingly.

In addition, Boeing found that the insulation blankets at certain locations were not affected by the integrated fire stop issue that are addressed in Boeing Special Attention Service Bulletin 767-25-0550, Revision 1, dated December 4, 2019. Therefore, these insulation blankets were removed from Boeing Special Attention Service Bulletin 767-25-0550, Revision 1, dated December 4, 2019. Boeing Special Attention Service Bulletin 767-25-0550, Revision 1, dated December 4, 2019, includes work to re-inspect the installation of the insulation blankets that were installed in Boeing Special Attention Service Bulletin 767-25-0550, dated January 15, 2015. Since those insulation blankets that are not affected by the fire stop issue were removed from Boeing Special Attention Service Bulletin 767-25-0550, Revision 1, dated December 4, 2019, there is no need for instructions in Revision 1 to inspect the work that was performed in Boeing Special Attention Service Bulletin 767-25-0550, dated January 15, 2015. The FAA has not changed this AD in this regard.

Request To Correct the Date of the Service Information

UAL commented that, in the toolbox on <https://www.myboeingfleet.com>, there are two versions of Boeing Special Attention Service Bulletin 767–25–0550, Revision 1: One version is dated December 4, 2019, and one version is dated December 5, 2019. UAL also commented that the header of the toolbox states that Boeing Special Attention Service Bulletin 767–25–0550, Revision 1, dated December 4, 2019, is not the current version. UAL stated that the proper service information date needs to be addressed in the NPRM.

The FAA has confirmed that the correct date of the service information is December 4, 2019, and that there is currently only one version of the service information cited on <https://www.myboeingfleet.com>. The FAA has not changed this AD in this regard.

Request for Correct Figure Reference

DAL commented that figure 42–A of Boeing Special Attention Service Bulletin 767–25–0550, Revision 1, dated December 4, 2019, refers to item 4 between stations 434 through 456, but it should be item 3. DAL stated this citation has been confirmed by Boeing in Service Request 3–4634446605.

The FAA agrees that the correct reference for figure 42–A between stations 434 through 456 of Boeing Special Attention Service Bulletin 767–25–0550, Revision 1, dated December 4, 2019, is item 3. In addition, figure 42 is a RC step. The FAA has added paragraph (h)(2) of this AD to identify the correct item number.

Request To Correct Insulation Blanket Location

DAL commented that in figure 51 of Boeing Special Attention Service Bulletin 767–25–0550, Revision 1, dated December 4, 2019, there should be an insulation blanket depicted between station (STA) 1395 and STA 1417. DAL also commented that appendixes D, E, F, G, H, and I of Boeing Special Attention Service Bulletin 767–25–0550, Revision 1, dated December 4, 2019, show the insulation blanket part numbers between STA 1395 and STA 1417. DAL reported that Boeing confirmed that the insulation blanket was missing from that figure.

The FAA agrees with the commenter's statement. The FAA has added paragraph (h)(3) of this AD to specify that Boeing Special Attention Service

Bulletin 767–25–0550, Revision 1, dated December 4, 2019, figures 49, 50, and 51, between STA 1395 and STA 1417, should indicate that an insulation blanket is installed.

Request To Allow Stoppage Options Due to the Pandemic

For airplanes that have been in mass parking due to the worldwide pandemic, DAL requested clock stoppage options such as those offered to operators by the manufacturer for scheduled maintenance program tasks. DAL stated that this request is for airplanes that meet the following conditions:

- Airplanes that are currently undergoing storage, or airplanes that will enter storage during the compliance time of the proposed AD.

- Airplanes that were preserved with instructions in close reference to the AMM procedures.

DAL also commented that an airplane in a preserved state does not experience the following risk factors that are taken into consideration for the proposed AD:

- *Passenger Safety:* The newly installed insulation blankets are meant to prevent smoke from migrating behind the cargo compartment sidewall liners and upward into the main cabin, where it could affect passengers. If the airplane does not have passengers during the time in which it is preserved, there is no increased risk to the public.

- *Potential fire in the cargo compartments:* Since the airplane is not in operation, there is no cargo being stored in the cargo compartments, meaning it is highly unlikely that there will be a fire initiated to cause smoke.

In addition, DAL asserted that the safety risk associated with the inferior insulation blankets installed on the airplane is either a small consideration or not a consideration at all in the calculation of overall fleet risk because the concern is not with degradation of insulation blanket material, or any other factor in which an increase in compliance time would increase the risk.

The FAA disagrees with having stoppage options due to the unsafe condition. In developing an appropriate compliance time, the FAA considered the safety implications, parts availability, and normal maintenance schedules for timely accomplishment of the actions in this AD. Further, the FAA arrived at the proposed compliance time with Boeing's concurrence. It is difficult to plan for every possible storage

scenario, and currently, the FAA does not have procedures that would address every possible scenario to ensure that all airplanes will be addressed in a timely manner once the airplanes are back in service. If an operator is unable to accomplish the actions in this AD for whatever reason or has the airplane in storage, it may request approval of an AMOC under the provisions of paragraph (i)(1) of this AD, if sufficient data are submitted to substantiate that the change would provide an acceptable level of safety. The FAA has not changed this AD in this regard.

Conclusion

The FAA reviewed the relevant data, considered any comments received, and determined that air safety requires adopting this AD as proposed. Except for minor editorial changes, and any other changes described previously, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Boeing Special Attention Service Bulletin 767–25–0550, Revision 1, dated December 4, 2019. The service information describes procedures for replacement of cargo compartment insulation blankets between stringers 29 and 33, on the left and right sides, with new insulation blankets that incorporate fire stops; an inspection to determine the insulation blanket part number installed between stringers 29 and 33, on the left and right sides; a general visual inspection of the replacement insulation blankets between stringers 29 and 33, on the left and right sides to determine if the insulation blankets are in serviceable condition and correctly installed; and applicable on-condition actions. On-condition actions include repair, replacement, and correction of insulation blanket installations. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in **ADDRESSES**.

Costs of Compliance

The FAA estimates that this AD affects 329 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Replacement (retained actions from AD 2016-25-29).	Up to 54 work-hours × \$85 per hour = Up to \$4,590.	()	Up to \$4,590	Up to \$1,510,110.
Inspections and replacements (new proposed action).	Up to 62 work-hour × \$85 per hour = Up to \$5,270.	Up to \$35,900	Up to \$41,170	Up to \$13,944,530.

* The FAA has received no definitive data that would enable providing parts cost estimates for the retained actions specified in this AD.

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

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

Authority for This Rulemaking

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

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

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

- (1) Is not a "significant regulatory action" under Executive Order 12866,
- (2) Will not affect intrastate aviation in Alaska, and
- (3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities

under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

- 2. The FAA amends § 39.13 by:
 - a. Removing Airworthiness Directive (AD) 2016-25-29, Amendment 39-18755 (81 FR 94956, December 27, 2016); and
 - b. Adding the following new AD:

2021-12-11 The Boeing Company:
Amendment 39-21598; Docket No. FAA-2020-0680; Project Identifier 2020-NM-079-AD.

(a) Effective Date

This airworthiness directive (AD) is effective July 29, 2021.

(b) Affected ADs

This AD replaces AD 2016-25-29, Amendment 39-18755 (81 FR 94956, December 27, 2016) (AD 2016-25-29).

(c) Applicability

This AD applies to The Boeing Company Model 767-200, -300, -300F, and -400ER series airplanes, certificated in any category, as identified in Boeing Special Attention Service Bulletin 767-25-0550, Revision 1, dated December 4, 2019.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by a report of a fire in the bilge area of the cargo compartment that burned through the insulation blankets that were intended to prevent smoke from migrating behind the cargo compartment sidewall liners and upward into the main

cabin. The FAA is issuing this AD to address a fire in the bilge area of the cargo compartment, which if not contained could lead to a possible smoke and fire event in the passenger compartment.

(f) Compliance

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

(g) Required Actions

Except as specified by paragraph (h) of this AD: At the applicable times specified in paragraph 1.E., "Compliance," of Boeing Special Attention Service Bulletin 767-25-0550, Revision 1, dated December 4, 2019, do all applicable actions identified as "RC" (required for compliance) in, and in accordance with, the Accomplishment Instructions of Boeing Special Attention Service Bulletin 767-25-0550, Revision 1, dated December 4, 2019.

(h) Exceptions and Clarifications to Service Information Specifications

(1) Where Boeing Special Attention Service Bulletin 767-25-0550, Revision 1, dated December 4, 2019, uses the phrase "the Revision 1 date of this service bulletin," this AD requires using "the effective date of this AD."

(2) Where Figure 42-A of Boeing Special Attention Service Bulletin 767-25-0550, Revision 1, dated December 4, 2019, identifies item 4 between stations 434 through 456, the correct item between stations 434 through 456 is item 3.

(3) Figures 49, 50, and 51 of Boeing Special Attention Service Bulletin 767-25-0550, Revision 1, dated December 4, 2019, are missing the depiction of an insulation blanket, and an installation blanket must be installed between station (STA) 1395 and 1417.

(4) The part numbers for the insulation blankets specified in Boeing Special Attention Service Bulletin 767-25-0550, dated January 15, 2015, and Boeing Special Attention Service Bulletin 767-25-0550, Revision 1, dated December 4, 2019, are acceptable for installation; the new part numbers specified in Boeing Special Attention Service Bulletin 767-25-0550, Revision 1, dated December 4, 2019, require less work to install.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your

principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (j) of this AD. Information may be emailed to: 9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.

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

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

(4) AMOCs approved previously for AD 2016–25–29 are approved as AMOCs for the corresponding provisions of Boeing Special Attention Service Bulletin 767–25–0550, Revision 1, dated December 4, 2019, that are required by paragraph (g) of this AD.

(5) For service information that contains steps that are labeled as Required for Compliance (RC), the provisions of paragraphs (i)(5)(i) and (ii) of this AD apply.

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

(ii) Steps not labeled as RC may be deviated from using accepted methods in accordance with the operator’s maintenance or inspection program without obtaining approval of an AMOC, provided the RC steps, including substeps and identified figures, can still be done as specified, and the airplane can be put back in an airworthy condition.

(j) Related Information

For more information about this AD, contact Julie Linn, Aerospace Engineer, Cabin Safety and Environmental Systems Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3584; email: Julie.Linn@faa.gov.

(k) Material Incorporated by Reference

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

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

(i) Boeing Special Attention Service Bulletin 767–25–0550, Revision 1, dated December 4, 2019.

(ii) [Reserved]

(3) For service information identified in this AD, contact Boeing Commercial

Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminister Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet <https://www.myboeingfleet.com>.

(4) You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

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

Issued on June 3, 2021.

Gaetano A. Sciortino,

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

[FR Doc. 2021–13097 Filed 6–23–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–1028; Project Identifier AD–2020–00978–T; Amendment 39–21599; AD 2021–12–12]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all The Boeing Company Model 717–200 airplanes. This AD was prompted by a report of discrepant spoiler assemblies, which have the wrong splice bar installed and lack reinforcing doublers, and by reports that some splice bars were shipped for installation on Model 717–200 airplanes, although they were not eligible for installation on Model 717–200 airplanes and were identified incorrectly with the Model 717–200 splice bar part number. This AD requires a one-time inspection of the left- and right-wing inboard and outboard spoiler assemblies, for the correct configuration of the splice bar and doublers, and repair or replacement if necessary. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective July 29, 2021.

The Director of the Federal Register approved the incorporation by reference

of a certain publication listed in this AD as of July 29, 2021.

ADDRESSES: For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminister Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet <https://www.myboeingfleet.com>. You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at <https://www.regulations.gov> by searching for and locating Docket No. FAA–2020–1028.

Examining the AD Docket

You may examine the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA–2020–1028; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Mohit Garg, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5264; fax: 562–627–5210; email: mohit.garg@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all The Boeing Company Model 717–200 airplanes. The NPRM published in the **Federal Register** on December 29, 2020 (85 FR 85559). The NPRM was prompted by a report of discrepant spoiler assemblies, which have the wrong splice bar installed and lack reinforcing doublers, and by reports that some splice bars were shipped for installation on Model 717–200 airplanes, although they were not eligible for installation on Model 717–200 airplanes and were identified incorrectly with the Model 717–200 splice bar part number. In the NPRM, the FAA proposed to require a one-time inspection of the left- and right-wing inboard and outboard spoiler assemblies for the correct splice bar and doublers

configuration, and repair if necessary. The FAA is issuing this AD to address splice bars which are not structurally adequate, which can lead to failure of the splice bar to keep the spoiler drive link engaged, and could result in spoiler float and consequent reduced controllability of the airplane.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from The Air Line Pilots Association, International (ALPA) and Boeing, who supported the NPRM without change.

The FAA received comments from two additional commenters, Delta Air Lines (Delta) and Hawaiian Airlines. The following presents the comments received on the NPRM and the FAA’s response to each comment.

Request To Revise Compliance Time

Delta asked that the compliance time of the proposed AD be changed to 27 months of “flying days” instead of calendar days. Delta stated that paragraph (g) of the proposed AD states, in part, “At the applicable times specified in the “Compliance” paragraph of Boeing Alert Requirements Bulletin 717–57A0027 RB, dated June 26, 2020.” Delta noted that Paragraph 1.E., Compliance, of the referenced service information requires a general visual inspection for the correct splice bar and doubler configuration within 6,400 flight hours or 27 months. Delta added that because of the Covid-19 pandemic airlines have a large quantity of aircraft in storage, so changing to flight time would not affect the unsafe condition.

The FAA does not agree with the commenter’s request. In developing an appropriate compliance time for this action, the FAA considered the degree of urgency associated with addressing the subject unsafe condition, the manufacturer’s recommendation for an appropriate compliance time, and the practical aspect of accomplishing the required inspection within a period of time that corresponds to the normal scheduled maintenance for most affected operators. In addition, the FAA notes that some Model 717–200

airplanes may have been in service during the pandemic and must comply within the required compliance time. Operators do have the option to inspect the airplane before the first flight following storage if the airplane is in storage for more than 27 months. However, under the provisions of paragraph (k) of this AD, the FAA will consider requests for approval of an extension of the compliance time if sufficient data are submitted to substantiate that the new compliance time would provide an acceptable level of safety.

Requests To Allow Alternative Methods for Corrective Action

Hawaiian Airlines asked that paragraph (h)(2) of the proposed AD, which requires obtaining approval of an alternative method of compliance (AMOC) for repair of any discrepant spoiler, be changed to add another method: Removal and replacement of the discrepant spoiler with a serviceable spoiler that has the correct splice bar and doublers using the procedure specified in the Model 717 airplane maintenance manual (AMM), Chapter 27–60–01. Hawaiian Airlines stated that this would alleviate further out-of-service time of the aircraft, and the discrepant spoiler can be repaired off-wing.

The FAA agrees with the commenter’s request. The FAA has added paragraphs (h)(2)(i) and (ii) of this AD to specify that either repair using a method approved in accordance with the procedures specified in paragraph (k) of this AD or replacement of any spoiler assembly having an incorrect configuration with a replacement spoiler assembly is acceptable for compliance with this AD. The FAA notes that a replacement spoiler assembly must have a correct configuration as specified in Boeing Alert Requirements Bulletin 717–57A0027 RB, dated June 26, 2020. The FAA has also added Note 2 to paragraph (h)(2)(ii) to specify that guidance for replacement can be found in Model 717 AMM, Chapter 27–60–01.

Delta requested the FAA provide an approved method to correct the unsafe condition by removing and discarding

any non-blueprint parts and re-assembling per original equipment manufacturer (OEM) spoiler drawing 5940974–1/–2/–501/–502. Delta stated that the OEM spoiler drawing was acceptable for the type certification basis for the Model 717–200 airplane during assembly of the aircraft. Delta added that restoring the spoiler to the OEM blueprint would restore the part to an approved configuration with the unsafe condition removed.

The FAA disagrees with the commenter’s request. An operator cannot bring a discrepant spoiler assembly back to the OEM correct configuration without modifying the underlying spoiler structure. Modifying the spoiler assembly requires repair instructions from the OEM. An operator may request an AMOC under the provisions of paragraph (k) of this AD.

Conclusion

The FAA reviewed the relevant data, considered any comments received, and determined that air safety requires adopting this AD as proposed. Except for minor editorial changes, and any other changes described previously, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Boeing Alert Requirements Bulletin 717–57A0027 RB, dated June 26, 2020. This service information describes procedures for a one-time general visual inspection of the left- and right-wing inboard and outboard spoiler assemblies for the correct splice bar and doublers configuration, and repair. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in ADDRESSES.

Costs of Compliance

The FAA estimates that this AD affects 114 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	4 work-hours × \$85 per hour = \$340	\$0	\$340	\$38,760

The FAA estimates the following costs to do any necessary on-condition

actions that would be required. The FAA has no way of determining the

number of aircraft that might need these on-condition actions:

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
Up to 2 work-hour × \$85 per hour = Up to \$170 per spoiler assembly	\$5,432 per spoiler assembly	Up to \$5,602 per spoiler assembly.

Authority for This Rulemaking

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

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

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

- (1) Is not a "significant regulatory action" under Executive Order 12866,
- (2) Will not affect intrastate aviation in Alaska, and
- (3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2021–12–12 The Boeing Company:
Amendment 39–21599; Docket No. FAA–2020–1028; Project Identifier AD–2020–00978–T.

(a) Effective Date

This airworthiness directive (AD) is effective July 29, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all The Boeing Company Model 717–200 airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 57, Wings.

(e) Unsafe Condition

This AD was prompted by a report of discrepant spoiler assemblies, which have the wrong splice bar installed and lack reinforcing doublers. The FAA is issuing this AD to address splice bars which are not structurally adequate, which can lead to failure of the splice bar to keep the spoiler drive link engaged, and could result in spoiler float and consequent reduced controllability of the airplane.

(f) Compliance

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

(g) Required Actions

Except as specified by paragraph (h) of this AD: At the applicable times specified in the "Compliance" paragraph of Boeing Alert Requirements Bulletin 717–57A0027 RB, dated June 26, 2020, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin 717–57A0027 RB, dated June 26, 2020.

Note 1 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin 717–57A0027, dated June 26, 2020, which is referred to in Boeing Alert Requirements Bulletin 717–57A0027 RB, dated June 26, 2020.

(h) Exceptions to Service Information Specifications

(1) Where Boeing Alert Requirements Bulletin 717–57A0027 RB, dated June 26, 2020, uses the phrase "the original issue date of Requirements Bulletin 717–57A0027 RB," this AD requires using "the effective date of this AD."

(2) Where Boeing Alert Requirements Bulletin 717–57A0027 RB, dated June 26, 2020, specifies contacting Boeing for repair instructions: This AD requires doing the actions specified in paragraph (h)(2)(i) or (ii) of this AD before further flight.

(i) Repair using a method approved in accordance with the procedures specified in paragraph (k) of this AD.

(ii) Replace any spoiler assembly having incorrect configuration with a replacement spoiler assembly. A replacement spoiler assembly must have a correct configuration as specified in Boeing Alert Requirements Bulletin 717–57A0027 RB, dated June 26, 2020.

Note 2 to paragraph (h)(2)(ii): Guidance for replacing the spoiler assembly with the correct configuration spoiler assembly can be found in Model 717 Airplane Maintenance Manual (AMM), Chapter 27–60–01.

(i) Credit for Previous Actions

This paragraph provides credit for the actions specified in paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Boeing Multi Operator Message MOM–MOM–19–0572–01B, dated October 16, 2019.

(j) Parts Installation Limitation

As of the effective date of this AD, no person may install, on any airplane, any affected spoiler assembly (a spoiler assembly that does not have a splice bar having part number 3914588–501 and two doublers having part number 5940974–31), unless it has been inspected and all applicable corrective actions have been done as specified in paragraph (g) of this AD.

(k) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Los Angeles ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (l)(1) of this AD. Information may be emailed to: 9-ANM-LAACO-AMOC-Requests@faa.gov.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

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

(I) Related Information

(1) For more information about this AD, contact Mohit Garg, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712-4137; phone: 562-627-5264; fax: 562-627-5210; email: mohit.garg@faa.gov.

(2) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (m)(3) and (4) of this AD.

(m) Material Incorporated by Reference

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

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

(i) Boeing Alert Requirements Bulletin 717-57A0027 RB, dated June 26, 2020.

(ii) [Reserved]

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

(4) You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195.

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

Issued on June 3, 2021.

Gaetano A. Sciortino,

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

[FR Doc. 2021-13124 Filed 6-23-21; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Part 744

[Docket No. 210617-0134]

RIN 0694-AI56

Addition of Certain Entities to the Entity List

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule.

SUMMARY: This final rule amends the Export Administration Regulations (EAR) by adding five entities to the Entity List. These five entities have been determined by the United States Government to be acting contrary to the foreign policy interests of the United States and will be listed on the Entity List under the destination of the People's Republic of China (China).

DATE: This rule is effective June 24, 2021.

FOR FURTHER INFORMATION CONTACT: Chair, End-User Review Committee, Office of the Assistant Secretary, Export Administration, Bureau of Industry and Security, Department of Commerce, Phone: (202) 482-5991, Email: ERC@bis.doc.gov.

SUPPLEMENTARY INFORMATION:

Background

The Entity List (supplement no. 4 to part 744 of the EAR) identifies entities reasonably believed to be involved in, or to pose a significant risk of being or becoming involved in, activities contrary to the national security or foreign policy interests of the United States. The Export Administration Regulations (EAR) (15 CFR parts 730-774) impose additional license requirements on, and limit the availability of most license exceptions for, exports, reexports, and transfers (in country) to listed entities. The license review policy for each listed entity is identified in the "License review policy" column on the Entity List, and the impact on the availability of license exceptions is described in the relevant **Federal Register** document adding entities to the Entity List. BIS places entities on the Entity List pursuant to part 744 (Control Policy: End-User and End-Use Based) and part 746 (Embargoes and Other Special Controls) of the EAR.

The End-User Review Committee (ERC), composed of representatives of the Departments of Commerce (Chair), State, Defense, Energy and, where

appropriate, the Treasury, makes all decisions regarding additions to, removals from, or other modifications to the Entity List. The ERC makes all decisions to add an entry to the Entity List by majority vote and makes all decisions to remove or modify an entry by unanimous vote.

ERC Entity List Decisions

Additions to the Entity List

This rule implements the decision of the ERC to add five entities to the Entity List. The five entities are being added based on § 744.11 (License requirements that apply to entities acting contrary to the national security or foreign policy interests of the United States) of the EAR. The five entities are located in China.

The ERC reviewed and applied § 744.11(b) (Criteria for revising the Entity List) in making the determination to add these five entities to the Entity List. Under that paragraph, persons for whom there is reasonable cause to believe, based on specific and articulable facts, that they have been involved, are involved, or pose a significant risk of being or becoming involved in, activities that are contrary to the national security or foreign policy interests of the United States, along with those acting on behalf of such persons, may be added to the Entity List. Paragraphs (b)(1) through (b)(5) of § 744.11 provide an illustrative list of activities that could be contrary to the national security or foreign policy interests of the United States.

For each of the five entities described below, the ERC made the requisite determination under the standard set forth in § 744.11(b). Specifically, the ERC determined that the subject entities are engaging in or enabling activities contrary to U.S. foreign policy interests. These entities have been implicated in human rights violations and abuses in the implementation of China's campaign of repression, mass arbitrary detention, forced labor and high-technology surveillance against Uyghurs, Kazakhs, and other members of Muslim minority groups in the Xinjiang Uyghur Autonomous Region. Specifically, the ERC determined that Xinjiang GCL New Energy Material Technology, Co. Ltd.; Xinjiang Daqo New Energy, Co. Ltd.; Xinjiang East Hope Nonferrous Metals Co. Ltd.; Hoshine Silicon Industry (Shanshan) Co., Ltd.; and Xinjiang Production and Construction Corps are engaging in activities contrary to the foreign policy interests of the United States through participating in the practice of, accepting, or utilizing forced labor.

Pursuant to § 744.11(b) of the EAR, the ERC has determined that the conduct of these five entities raises sufficient concern that prior review of exports, reexports or transfers (in-country) of all items subject to the EAR involving these entities, and the possible imposition of license conditions or license denials on shipments to these entities, will enhance BIS's ability to prevent items subject to the EAR from being used in activities contrary to the foreign policy interests of the United States.

For the five entities identified above that are being added to the Entity List, BIS imposes a license requirement for all items subject to the EAR and a license review policy of case-by-case review for Export Control Classification Numbers (ECCNs) 1A004.c, 1A004.d, 1A995, 1A999.a, 1D003, 2A983, 2D983, and 2E983. A policy of case-by-case review also applies to items designated as EAR99 that are described in the Note to ECCN 1A995, specifically, items for protection against chemical or biological agents that are consumer goods, packaged for retail sale or personal use, or medical products. Additionally, in light of the current global pandemic, BIS has adopted a policy of case-by-case review for items subject to the EAR that are necessary to detect, identify and treat infectious disease. BIS has adopted a license review policy of presumption of denial for all other items subject to the EAR. In addition, no license exceptions are available for exports, reexports, or transfers (in-country) to the entities being added to the Entity List in this rule. The acronym "a.k.a." or 'also known as' is used in entries on the Entity List to identify aliases, thereby assisting exporters, reexporters and transferors in identifying entities on the Entity List.

This final rule adds the following five entities to the Entity List:

People's Republic of China

- Hoshine Silicon Industry (Shanshan) Co., Ltd.;
- Xinjiang Daqo New Energy, Co. Ltd.;
- Xinjiang East Hope Nonferrous Metals Co. Ltd.;
- Xinjiang GCL New Energy Material Technology, Co. Ltd.; and
- Xinjiang Production and Construction Corps.

Savings Clause

Shipments of items removed from eligibility for a License Exception or for export or reexport without a license

(NLR) as a result of this regulatory action that were en route aboard a carrier to a port of export, reexport, or transfer (in-country) on June 24, 2021, pursuant to actual orders for export, reexport, or transfer (in-country) to a foreign destination, may proceed to that destination under the previous eligibility for a License Exception or export or reexport without a license (NLR).

Export Control Reform Act of 2018

On August 13, 2018, the President signed into law the John S. McCain National Defense Authorization Act for Fiscal Year 2019, which included the Export Control Reform Act of 2018 (ECRA), 50 U.S.C. Sections 4801–4852. ECRA provides the legal basis for BIS's principal authorities and serves as the authority under which BIS issues this rule.

Rulemaking Requirements

Executive Orders 13563 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, distributive 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. This rule has been determined to be not significant for purposes of Executive Order 12866.

Notwithstanding any other provision of law, no person is required to respond to or be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This regulation involves collections previously approved by OMB under control number 0694–0088, Simplified Network Application Processing System, which includes, among other things, license applications, and carries a burden estimate of 29.6 minutes for a manual or electronic submission. Total burden hours associated with the PRA and OMB control number 0694–0088 are not expected to increase as a result of this rule.

This rule does not contain policies with federalism implications as that term is defined in Executive Order 13132.

Pursuant to section 1762 of the Export Control Reform Act of 2018, this action is exempt from the Administrative Procedure Act (5 U.S.C. 553) requirements for notice of proposed rulemaking, opportunity for public participation, and delay in effective date.

Because a notice of proposed rulemaking and an opportunity for public comment are not required for this rule by 5 U.S.C. 553, or by any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, are not applicable. Accordingly, no regulatory flexibility analysis is required and none has been prepared.

List of Subjects in 15 CFR Part 744

Exports, Reporting and recordkeeping requirements, Terrorism.

Accordingly, part 744 of the Export Administration Regulations (15 CFR parts 730–774) is amended as follows:

PART 744—[AMENDED]

- 1. The authority citation for 15 CFR part 744 continues to read as follows:

Authority: 50 U.S.C. 4801–4852; 50 U.S.C. 4601 *et seq.*; 50 U.S.C. 1701 *et seq.*; 22 U.S.C. 3201 *et seq.*; 42 U.S.C. 2139a; 22 U.S.C. 7201 *et seq.*; 22 U.S.C. 7210; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13099, 63 FR 45167, 3 CFR, 1998 Comp., p. 208; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13224, 66 FR 49079, 3 CFR, 2001 Comp., p. 786; Notice of September 18, 2020, 85 FR 59641 (September 22, 2020); Notice of November 12, 2020, 85 FR 72897 (November 13, 2020).

- 2. Supplement No. 4 to part 744 is amended under CHINA, PEOPLE'S REPUBLIC OF, by adding in alphabetical order, entries for "Hoshine Silicon Industry (Shanshan) Co., Ltd.", "Xinjiang Daqo New Energy, Co. Ltd", "Xinjiang East Hope Nonferrous Metals Co. Ltd.", "Xinjiang GCL New Energy Material Technology, Co. Ltd", and "Xinjiang Production and Construction Corps".

The additions read as follows:

Supplement No. 4 to Part 744—Entity List

* * * * *

Country	Entity	License requirement	License review policy	Federal Register citation
CHINA, PEOPLE'S REPUBLIC OF.	Hoshine Silicon Industry (Shanshan) Co., Ltd., a.k.a., the following one alias: —Hesheng Silicon Industry (Shanshan) Co., Ltd. Xinjiang East: West of Kekeya Road, Stone Industrial Park, Shanshan County, Turpan City, Xinjiang (Hesheng Industrial Park), China.	For all items subject to the EAR. (See § 744.11 of the EAR).	Case-by-case review for ECCNs 1A004.c, 1A004.d, 1A995, 1A999.a, 1D003, 2A983, 2D983, and 2E983, and for EAR99 items described in the Note to ECCN 1A995; case-by-case review for items necessary to detect, identify and treat infectious disease; and presumption of denial for all other items subject to the EAR.	86 FR [INSERT FR PAGE NUMBER] 6/24/2021.
	Xinjiang Daqo New Energy, Co. Ltd., a.k.a., the following three aliases: —Xinjiang Great New Energy Co., Ltd.; —Xinjiang Daxin Energy Co., Ltd.; <i>and</i> —Xinjiang Daqin Energy Co., Ltd. Shihezi Development Zone Chemical New Material Industrial Park; <i>and</i> No. 16, Weiliu Road, New Chemical Material Industrial Park, Shihezi Economic Development Zone, Xinjiang China.	For all items subject to the EAR. (See § 744.11 of the EAR).	Case-by-case review for ECCNs 1A004.c, 1A004.d, 1A995, 1A999.a, 1D003, 2A983, 2D983, and 2E983, and for EAR99 items described in the Note to ECCN 1A995; case-by-case review for items necessary to detect, identify and treat infectious disease; and presumption of denial for all other items subject to the EAR.	86 FR [INSERT FR PAGE NUMBER] 6/24/2021.
	Xinjiang East Hope Nonferrous Metals Co. Ltd., a.k.a., the following one alias: —Xinjiang Nonferrous. Wucaiwan Industrial Park, Zhundong Economic and Technological Development Zone, Changji Prefecture, Xinjiang (Cainan Community); <i>and</i> Jimsar County, Changji Hui Autonomous Prefecture, Xinjiang Uygur Autonomous Region, Wucaiwan Coal, Electricity and Coal Chemical Base, China.	For all items subject to the EAR. (See § 744.11 of the EAR).	Case-by-case review for ECCNs 1A004.c, 1A004.d, 1A995, 1A999.a, 1D003, 2A983, 2D983, and 2E983, and for EAR99 items described in the Note to ECCN 1A995; case-by-case review for items necessary to detect, identify and treat infectious disease; and presumption of denial for all other items subject to the EAR.	86 FR [INSERT FR PAGE NUMBER] 6/24/2021.
	Xinjiang GCL New Energy Material Technology, Co. Ltd., a.k.a., the following one alias: —Xinjiang GCL New Energy Materials Technology Co., Ltd. East Section of Hengsi Road, Quanbei Industrial Zone, Hongsha, Zhundong Economic and Technological Development Zone, Changji Prefecture, Xinjiang (Jijihu Community); <i>and</i> East Part, the 4th Horizontal Road, North Hongshaquan Industrial park, Zhundong Economic and Technological Development Zone, Changji, Xinjiang, China.	For all items subject to the EAR. (See § 744.11 of the EAR).	Case-by-case review for ECCNs 1A004.c, 1A004.d, 1A995, 1A999.a, 1D003, 2A983, 2D983, and 2E983, and for EAR99 items described in the Note to ECCN 1A995; case-by-case review for items necessary to detect, identify and treat infectious disease; and presumption of denial for all other items subject to the EAR.	86 FR [INSERT FR PAGE NUMBER] 6/24/2021.
	Xinjiang Production and Construction Corps (XPCC), a.k.a., the following three aliases: —XPCC; —Xinjiang Corps; <i>and</i> —Bingtuan. Urumqi, Xinjiang Uygur Autonomous Region, China.	For all items subject to the EAR. (See § 744.11 of the EAR).	Case-by-case review for ECCNs 1A004.c, 1A004.d, 1A995, 1A999.a, 1D003, 2A983, 2D983, and 2E983, and for EAR99 items described in the Note to ECCN 1A995; case-by-case review for items necessary to detect, identify and treat infectious disease; and presumption of denial for all other items subject to the EAR.	86 FR [INSERT FR PAGE NUMBER] 6/24/2021.

Country	Entity	License requirement	License review policy	Federal Register citation
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Matthew S. Borman,
Deputy Assistant Secretary for Export Administration.
 [FR Doc. 2021-13395 Filed 6-23-21; 8:45 am]
BILLING CODE 3510-33-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG-2021-0339]

RIN 1625-AA08

Special Local Regulation; Gulf of Mexico; Sarasota, FL

AGENCY: Coast Guard, DHS.
ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a special local regulation on the waters of the Gulf of Mexico, in the vicinity of Lido Beach, Florida, during the Sarasota Powerboat Grand Prix. Approximately 70 boats and jet skis, traveling at speeds in excess of 100 miles per hour are expected to participate. Additionally, it is anticipated that 100 spectator vessels will be present along the race course. The special local regulation is necessary to protect the safety of race participants, participant vessels, spectators, and the general public on certain navigable waters of the Gulf of Mexico, Lido Beach, Florida during the event. The special local regulation will establish an enforcement area where all persons and vessels, except those persons and vessels participating in the high speed boat races, are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area without obtaining permission from the Captain of the Port St. Petersburg or a designated representative.

DATES: This rule will be enforced daily from 10 a.m. until 7 p.m., on June 25, 2021 through June 27, 2021.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG-2021-0339 in the "SEARCH" box and click "SEARCH." Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Marine Science Technician First Class Michael Shackelford, Sector St. Petersburg Prevention Department, Coast Guard; telephone (813) 228-2191, email Michael.d.shackelford@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable. This temporary rule references a date change and a change to the regulated area to an annual recurring special local regulation that already exists in 33 CFR 100.703, Table 1 to 100.703, Line 5. For this year, we received the date changes and the coordinate changes from the Sarasota Powerboat Grand Prix/Powerboat P-1 USA, LLC with insufficient time to publish an NPRM and receive public comment on these changes, as the Sarasota Powerboat Grand Prix event will occur before the rulemaking process would be completed. Because of the dangers associated with high speed boat races, the regulation is necessary to provide for the safety of event participants, spectators, and vessels transiting the event area. For those reasons, it would be impracticable to publish an NPRM.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable

because immediate action is needed to respond to the potential safety hazards associated with Sarasota Grand Prix.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034. The Captain of the Port St. Petersburg has determined that potential hazards associated with the race will be a danger to anyone within the regulated area. The purpose of the rule is to provide for the safety of life on navigable waters of the United States during the Sarasota Powerboat Grand Prix.

IV. Discussion of the Rule

This rule establishes a special local regulation that will encompass certain waters of the Gulf of Mexico, Lido Beach, Florida. The special local regulation will be enforced daily from 10 a.m. to 7 p.m. on June 25, 2021 through June 27, 2021. The special local regulation will establish an enforcement area where all persons and vessels, except those persons and vessels participating in the high speed boat races, are prohibited from entering, transiting through, anchoring in, or remaining within without obtaining permission from the COTP St. Petersburg or a designated representative.

Persons and vessels may request authorization to enter, transit through, anchor in, or remain within the regulated area by contacting the Captain of the Port St. Petersburg (COTP) by telephone at (727) 824-7506, or a designated representative via VHF radio on channel 16. If authorization to enter, transit through, anchor in, or remain within the regulated area is granted by the COTP or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the COTP or a designated representative. The Coast Guard will provide notice of the special local regulation by Local Notice to Mariners and/or Broadcast Notice to Mariners.

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: (1) The special local regulation will be enforced for eight hours on three days; (2) although persons and vessels may not enter, transit through, anchor in, or remain within the regulated area without authorization from the COTP or a designated representative, they may operate in the surrounding area during the enforcement period; (3) persons and vessels may still enter, transit through, anchor in, or remain within the regulated area if authorized by the COTP or a designated representative; and (4) the Coast Guard will provide advance notification of the special local regulation to the local maritime community by Local Notice to Mariners and/or Broadcast Notice to Mariners.

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 a special local regulation issued in conjunction with a regatta or marine parade. It is categorically excluded from further review under paragraph L61of 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 100

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

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

- 1. The authority citation for part 100 continues to read as follows:

Authority: 46 U.S.C. 70041; 33 CFR 1.05–1.

- 2. Add § 100.T07–0339 to read as follows:

§ 100.T07–0339 Special Local Regulations; Sarasota Powerboat Grand Prix, Gulf of Mexico; Lido Beach, FL.

(a) *Location.* The following regulated area is a special local regulation: All waters of the Gulf of Mexico contained within the following points: 27°17′54″ N, 082°34′10″ W, thence to position 27°16′43″ N, 082°35′49″ W, thence to position 27°18′51″ N, 082°38′06″ W, thence to position 27°20′15″ N, 082°35′59″ W, thence back to the

original position, 27°17'54" N, 082°34'10" W. All coordinates are North American Datum 1983.

(b) *Definition.* The term “designated representative” means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the COTP St. Petersburg in the enforcement of the regulated areas.

(c) *Regulations.* (1) All non-participant persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the race area unless an authorized by the COTP St. Petersburg or a designated representative.

(2) Designated representatives may control vessel traffic throughout the enforcement area as determined by the prevailing conditions.

(3) Persons and vessels may request authorization to enter, transit through, anchor in, or remain within the regulated areas by contacting the COTP St. Petersburg by telephone at (727) 824-7506, or a designated representative via VHF radio on channel 16. If authorization is granted, all persons and vessels receiving such authorization must comply with the instructions of the COTP St. Petersburg or a designated representative.

(4) The Coast Guard will provide notice of the regulated area by Local Notice to Mariners and/or Broadcast Notice to Mariners.

(d) *Enforcement Period.* This rule will be enforced daily from 10 a.m. until 7 p.m.. on June 25, 2021 through June 27, 2021.

Dated: June 11, 2021.

Matthew A. Thompson,

Captain, U.S. Coast Guard, Captain of the Port St. Petersburg.

[FR Doc. 2021-13479 Filed 6-23-21; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG-2021-0354]

RIN 1625-AA00

Safety Zone; Ford Fireworks, Lake St. Clair, Harrison Twp, MI

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing temporary safety zones for

navigable waters in Detroit River and Lake St. Clair, MI. The safety zones are necessary to protect spectators and vessels from potential hazards associated with the Ford Fireworks Display. Entry of vessels or persons into the zones is prohibited unless specifically authorized by the Captain of the Port Detroit or their representative.

DATES: This rule is effective from 8 a.m. on June 24, 2021 through 11:59 p.m. on June 28, 2021.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG-2021-0354 in the “SEARCH” box and click “SEARCH.” Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Ms. Tracy Girard, U.S. Coast Guard; (313) 475-7475, Tracy.M.Girard@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 is impracticable since this safety zone must be established by June 24, 2021 and the Coast Guard did not receive notice of the event with sufficient time to undergo notice and comment before that date. Thus, delaying the effective date of this rule to wait for a comment period to run would be contrary to the public interest and impracticable by inhibiting the Coast Guard’s ability to protect spectators and vessels from the hazards associated with a fireworks display with a potential blast zone.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30

days after publication in the **Federal Register**. Delaying the effective date of this rule would be contrary to the rule’s objectives in ensuring that the potential safety hazards associated with the Ford Fireworks display are effectively mitigated, and life and property on the navigable waters in the vicinity are protected.

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 Detroit (COTP) has determined that potential hazards associated with the Ford Fireworks display starting June 24, 2021, will be a safety concern during the loading, transit, and execution of the Ford Fireworks. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone while the work is being completed.

IV. Discussion of the Rule

This rule establishes three safety zones from 8 a.m. on June 24, 2021 through 11:59 p.m. June 28, 2021. In the case of inclement weather on June 28, 2021, all three safety zones will be enforced the subsequent day. The first of the three safety zones is established to encompass all U.S. navigable waters of the Detroit River within a 1,300-foot radius of fireworks loading site at 42°17.418' N, 083°06.897' W (WGS 84). This first safety zone will be enforced from 8 a.m. on June 24, 2021 through 8 a.m. on June 28, 2021. The second safety zone is a 1,300-foot radius surrounding each barge while transiting in U.S. waters of the Detroit River from the loading site to the fireworks launch site on Lake St. Clair in the vicinity of the beach at the Lake St. Clair Metro Park. The second safety zone will be enforced from 8 a.m. through 7 p.m. on June 28, 2021. A third safety zone is established to encompass all U.S. navigable waters of Lake St. Clair within a 1,300-foot radius at the fireworks launch site in the vicinity of the beach at Lake St. Clair Metro Park. The third safety zone will be enforced from 7 p.m. through 11:59 p.m. on June 28, 2021. The duration of these safety zones is intended to protect personnel, vessels, and the marine environment in these navigable waters while fireworks are being prepared, ignited, and after the display in the event of unexploded fireworks. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, duration, and time-of-day of the safety zone. Vessel traffic not will be able to safely transit around these safety zones in certain places which will impact a small designated area of the Detroit River and Lake St. Clair River for various times throughout the duration of the 4 days. Moreover, the Coast Guard will issue a Broadcast Notice to Mariners via VHF-FM marine channel 16 about the zone, and the rule would allow vessels to seek permission to enter the zone.

B. Impact on Small Entities

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

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

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions

concerning its provisions or options for compliance, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone in various locations and times throughout a 4 day period that will prohibit entry within 1300 yards radius of fireworks barges. It is categorically excluded from further review under paragraph L[60(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 protestors. Protesters are asked to call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T09–0354 to read as follows:

§ 165.T09–0354 Safety Zones; Ford Fireworks, Lake St. Clair, Harrison Twp, MI.

(a) *Location.* The first of three safety zones is established to encompass all U.S. navigable waters of the Detroit

River within a 1,000-foot radius of fireworks loading site at 42°17.418' N, 083°06.897' W (WGS 84). The second safety zone is a 1,300 foot radius surrounding each barge while transiting in U.S. waters of the Detroit River from the loading site to the fireworks launch site on Lake St. Clair in the vicinity of the beach at the Lake St. Clair Metro Park. A third safety zone is established to encompass all U.S. navigable waters of Lake St. Clair within a 1,300-foot radius at the fireworks launch site in the vicinity of the beach at Lake St. Clair Metro Park.

(b) *Enforcement period.* The first safety zone described in paragraph (a) of this section will be enforced from 8 a.m. on June 24, 2021 through 8 a.m. on June 28, 2021. The second safety zone described in paragraph (a) of this section will be enforced from 8 a.m. through 7 p.m. on June 28, 2021. The third safety zone described in paragraph (a) of this section will be enforced from 7 p.m. through 11:59 p.m. on June 28, 2021. In the case of inclement weather on June 28, 2021, all three safety zones will be enforced the subsequent day. The Captain of the Port Detroit will announce specific enforcement periods for these safety zones by Broadcast Notice to Mariners (BNM).

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

(2) The safety zones are closed to all vessel traffic, except as may be permitted by the COTP Detroit or a designated on-scene representative.

(3) The “on-scene representative” of the Captain of the Port Detroit is any Coast Guard commissioned, warrant or petty officer or a federal, state, or local law enforcement officer designated by the Captain of the Port Detroit to act on his behalf.

(4) Vessel operators desiring to enter or operate within the safety zones must contact the Captain of the Port Detroit or an on-scene representative to obtain permission to do so. The Captain of the Port Detroit or an on-scene representative may be contacted via VHF Channel 16. 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 Detroit or an on-scene representative.

Dated: June 14, 2021.

Brad W. Kelly,

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

[FR Doc. 2021-13344 Filed 6-23-21; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG-2021-0430]

RIN 1625-AA00

Safety Zone; South Timbalier Block 22, Gulf of Mexico, Port Fourchon, LA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for all navigable waters within a one nautical mile radius around a capsized vessel in the Gulf of Mexico, South Timbalier block 22, near Port Fourchon, LA. The temporary safety zone is needed to protect life and property during emergency salvage operations surrounding the capsized vessel. Entry of vessels or persons into this zone and movement of vessels within this zone is prohibited unless specifically authorized by the Captain of the Port Marine Safety Unit Houma or a designated representative.

DATES: This rule is effective without actual notice from June 24, 2021 through August 2, 2021. For the purposes of enforcement, actual notice will be used from June 15, 2021 until June 24, 2021.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG-2021-0430 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 Commander Matthew M. Spolarich, Chief of Prevention, U.S. Coast Guard; telephone 985-850-6437, email: Matthew.M.Spolarich@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable. A safety zone is necessary to facilitate safe salvage operations surrounding a capsized vessel that has garnered high media interest and is in a location frequented by commercial and recreational vessel traffic. Immediate action is needed to respond to the potential safety hazards associated with recovery salvage operations. We must establish this safety zone by June 15, 2021 and lack sufficient time to provide a reasonable comment period and then consider those comments before issuing the rule.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be against the public interest because immediate action is needed to continue ongoing recovery salvage operations.

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 Marine Safety Unit Houma (COTP) has determined that potential hazards associated with the recovery salvage operations continuing through August 2, 2021, will be a safety concern for anyone within a one nautical mile radius around the capsized vessel in South Timbalier Block 22 of the Gulf of Mexico at position 29°00'25.7877" N, 090°11'52.9852" W. This rule is needed to protect life and property on the navigable waters while recovery salvage operations are ongoing.

IV. Discussion of the Rule

This rule establishes a temporary safety zone from June 15, 2021 through August 02, 2021. The safety zone will cover all navigable waters within a one nautical mile radius around position 29°00'25.7877" N, 090°11'52.9852" W,

in South Timbalier Block 22 of the Gulf of Mexico, near Port Fouchon, LA. The duration of the zone is intended to protect life and property on these navigable waters for the duration of emergency recovery salvage operations related to the capsized vessel. No vessel or person will be permitted to enter and move within the safety zone without obtaining permission from the COTP or a designated representative. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard assigned to units under the operational control of USCG Marine Safety Unit Houma. Vessels requiring entry into this safety zone must request permission from the COTP or a designated representative. They may be contacted on VHF-FM Channel 16 or 67. Persons and vessels permitted to enter or to move within this safety zone must transit at their slowest safe speed and comply with all lawful directions issued by the COTP or the designated representative. The COTP or a designated representative will inform the public of the enforcement periods and changes through Broadcast Notices to Mariners (BNMs), Local Notices to Mariners (LNMs), and/or Marine Safety Information Bulletins (MSIBs) as appropriate.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the limited scale of the safety zone and the ease of vessel traffic navigating around said zone.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term “small entities” comprises small

businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone that will prohibit entry within a one nautical mile radius of vessels and machinery being used by personnel response operations to a capsized vessel. It is categorically excluded from further review under paragraph L60(d) 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 protestors. Protesters are asked to call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

List of Subjects in 33 CFR Part 165

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

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

PART 165—[REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS]

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

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

- 2. Add § 165.T08–0430 to read as follows:

§ 165.T08–0430 Safety Zone; South Timbalier Block 22, Gulf of Mexico, Port Fourchon, LA.

(a) *Location.* The following area is a safety zone: all navigable waters within a one nautical mile radius of the capsized vessel and emergency response operations taking place at 29°00′25.7877″ N, 090°11′52.9852″ W.

(b) *Effective period.* This section is effective without actual notice from June 24, 2021 through August 02, 2021. For the purposes of enforcement, actual notice will be used from June 15, 2021 until June 24, 2021.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into or remaining within this zone is prohibited unless authorized by the Captain of the Port Marine Safety Unit (COTP) or designated representative. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard assigned to units under the operational control of USCG Marine Safety Unit Houma.

(2) Vessels requiring entry into this safety zone must request permission from the COTP or a designated representative. They may be contacted on VHF–FM Channel 16 or 67 or by telephone at (985) 665–2437.

(3) Persons and vessels permitted to enter this safety zone must transit at their slowest safe speed and comply with all lawful directions issued by COTP or the designated representative.

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

Information Bulletins (MSIBs) as appropriate.

J.W. Russell,

Captain, U.S. Coast Guard, Captain of the Port, Marine Safety Unit Houma.

[FR Doc. 2021–13310 Filed 6–23–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY**Coast Guard****33 CFR Part 165**

[Docket No. USCG–2021–0367]

Special Local Regulations; Patriot’s Point Fireworks; Mount Pleasant, SC

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce a special local regulation for the Patriot’s Point Fireworks Display on July 4, 2021 from 8 p.m. until 10 p.m., to provide for the safety of life on navigable waterways during the event. The Coast Guard will enforce a temporary safety zone during the Patriot’s Point Fireworks Display occurring on the bank of the Cooper River at Patriot’s Point, in Charleston, South Carolina. The temporary safety zone is necessary to protect vessels, spectators, and the general public during the event. During the enforcement period, no person or vessel may enter, transit through, anchor in, or remain within the designated area unless authorized by the Captain of the Port Charleston (COTP) or a designated representative.

DATES: The regulation in 33 CFR 100.704, Table 1 to § 100.704, Item No. (6), will be enforced from 8 p.m. until 10 p.m. on July 4, 2021.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email Lieutenant Commander Chad Ray, Sector Charleston Office of Waterways Management, Coast Guard; telephone (843) 740–3184, email Chad.L.Ray@uscg.mil.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the special local regulation in 33 CFR 100.704, Table 1 to § 100.704, Item No. (6), for the Patriot’s Point Fireworks Display on July 4, 2021 from 8 p.m. to 10 p.m. This action is being taken to provide for the safety of life on navigable waterways during this event. The regulation in § 100.704, Table 1 to § 100.704, Item No. (6), specifies the location of the regulated

area for the Patriot’s Point Fireworks Display, which encompasses a portion of the Cooper River at Patriot’s Point in Charleston, South Carolina. During the enforcement periods, as reflected in § 100.704(c)(1), if you are the operator of a vessel in the regulated area you must comply with directions of the COTP Charleston or from his designated representative, including the Patrol Commander or any Official Patrol displaying a Coast Guard ensign.

In addition to this notice of enforcement in the **Federal Register**, the Coast Guard plans to provide notification of this enforcement period via the Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

Dated: June 17, 2021.

J.D. Cole,

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

[FR Doc. 2021–13254 Filed 6–23–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY**Coast Guard****33 CFR Part 165**

[Docket Number USCG–2021–0166]

RIN 1625–AA00

Safety Zone; Tall Ships Boothbay Harbor 2021, Boothbay Harbor, ME

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a series of temporary safety zones on the waters of Boothbay Harbor, Maine. These safety zones are necessary to provide for the safety of participant vessels and the general public during Tall Ships Boothbay Harbor, 2021, an event allowing for public tours of tall ships (large sailing vessels) from various countries while at the docks of Boothbay Harbor, Maine. When enforced, this rule will prohibit persons and vessels from entering into the safety zone unless authorized by the Captain of the Port Northern New England or a designated representative.

DATES: This rule is effective from 12:01 a.m. on June 25, 2021 until 12:01 a.m. on June 28, 2021.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG–2021–0166 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 Shaun Doyle, Sector Northern New England Waterways Management Division, U.S. Coast Guard; telephone 207–347–5015, email Shaun.T.Doyle@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
 COTP Captain of the Port Sector Northern New England

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable. We must establish the temporary safety zone by June 25, 2021 and lack sufficient time to provide a reasonable comment period and then consider those comments before issuing the rule. The potential safety hazards associated with this event and the large number of vessels and spectators in the vicinity of vessels require immediate action to ensure the safety of event participants and vessels. Further, waiting for a comment period to run is also contrary to the public interest as it would inhibit the Coast Guard’s mission to keep the ports and waterways safe, protect the public from the hazards associated with this event, and minimize the impact on vessel traffic on the navigable waterway.

Under 5 U.S.C. 553(d)(3), and for the same reasons stated in the preceding paragraph, the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable and contrary to the public interest because the temporary safety zone regulation must be established on June 25, 2021 to

ensure the safety of spectators and vessels during the event.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port Sector Northern New England (COTP) has determined that potential hazards associated with the public tours would be a safety concern for anyone within a 25-yard radius of the participating tall ships. The purpose of the rule is to ensure the safety of participants, spectators, and transient vessels on the navigable waters of Boothbay Harbor during the scheduled event.

IV. Discussion of the Rule

This rule establishes temporary safety zones from 12:01 a.m. on June 25, 2021 until 12:01 a.m. on June 28, 2021. The safety zones would cover all navigable waters within 25 yards of a tall ship in Boothbay Harbor. The duration of the zones is intended to ensure the safety of vessels and these navigable waters during the Tall Ships Boothbay Harbor 2021 Marine Event of National Significance. No vessel or person would be permitted to enter the safety zones without obtaining permission from the COTP or Designated Representative. If the tall ships are operating in a confined area and there is not adequate room for vessels to stay out of the safety zones due to a lack of navigable water, then vessels will be permitted to operate within the safety zone and shall travel at the minimum speed necessary to maintain a safe course. The navigation rules shall apply at all times while transiting the safety zones. The regulatory text appears at the end of this document.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, duration, and time-of-day of the safety zone. The safety zone only impacts a small designated area of the Booth Bay Harbor, ME. Vessel traffic would be able to safely transit around these safety zones or through it at slow speed in congested areas. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone and persons or vessels desiring to enter the safety zone may do so with permission from the COTP or a 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 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 Enforcement 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 safety zones limited in duration and size that encompass the areas around visiting tall ships. It is categorically excluded from further review under paragraph L60[a] of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01,

Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard is amending 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.T01–0166 to read as follows:

§ 165.T01–0166 Safety Zone; Tall Ships Boothbay Harbor 2021, Boothbay Harbor, Maine.

(a) *Definitions.* The following definitions apply to this section:

(1) *Designated Representative.* A “Designated Representative” is any Coast Guard Commissioned, Warrant or Petty Officer who has been designated by the Captain of the Port, Sector Northern New England (COTP), to act on his or her behalf. The Designated Representative may be on an official patrol vessel or may be on shore and will communicate with vessels via VHF–FM radio or loudhailer. In addition, members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation.

(2) *Official patrol vessels.* Official patrol vessels may consist of any Coast Guard, Coast Guard Auxiliary, state, or local law enforcement vessels assigned or approved by the COTP.

(3) *Spectators.* All persons and vessels not registered with the event sponsor as participants or official patrol vessels.

(4) *Tall ship.* Tall ship means any sailing vessel participating in the Tall Ships Boothbay 2021 within Boothbay Harbor, Maine.

(b) *Location.* The following areas are safety zones: All navigable waters of the United States located in Boothbay Harbor within a 25-yard radius of any tall ship.

(c) *Regulations.* (1) No person or vessel is allowed within the safety zones unless authorized by the cognizant Captain of the Port or their Designated Representative.

(2) Persons or vessels operating within a confined harbor or channel, where there is not sufficient navigable water outside of a safety zone to safely maneuver are allowed to operate within the safety zone and shall travel at the minimum speed necessary to maintain a safe course. Vessels operating within the safety zones shall not come within 25 yards of a tall ship unless authorized by the cognizant Captain of the Port, their Designated Representative, or the on-scene official patrol.

(d) *Enforcement period.* This rule will be enforced from 12:01 a.m. on Friday, June 25, 2021 through 12:01 a.m. on Monday, June 28, 2021.

(e) *Navigation Rules.* The Navigation Rules shall apply at all times within a tall ships safety zone.

Dated: June 11, 2021.

B.J. LeFebvre,

Captain, U.S. Coast Guard, Captain of the Port, Sector Northern New England.

[FR Doc. 2021–13477 Filed 6–23–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2021–0371]

RIN 1625–AA00

Safety Zone; Oakland Crane Arrival, San Francisco Bay, Oakland, CA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the navigable waters of the San Francisco Bay during the transit of the M/V ZHEN HUA 26, scheduled to arrive between June 24, 2021 and July 8, 2021. This safety zone is necessary to protect personnel, vessels, and the marine environment from hazards associated with the ship-to-shore gantry crane, which will extend more than 215 feet out from the transiting vessel and affect the vessel’s stability condition. 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 San Francisco or a designated representative.

DATES: This rule is effective from 12:01 a.m. on June 24, 2021, to 11:59 p.m. July 8, 2021.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG–2021–0371 in the “SEARCH” box and click “SEARCH.” Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email LT Anthony Solares, Waterways Management, U.S. Coast Guard; telephone (415) 399–7443, email SFWaterways@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port San Francisco
DHS Department of Homeland Security
§ 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 did not receive final details for the vessel’s arrival and transit until June 14, 2021. The Coast Guard must establish this safety zone by June 24, 2021 and lacks sufficient time to provide a reasonable comment period and consider those comments before issuing the rule.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. It is contrary to the public interest to delay the effective date of this rule because the safety zone must be effective by June 24, 2021 to protect vessels and persons from the dangers associated with the crane arms extending over the water from the M/V

ZHEN HUA 26 as it transits a busy waterway.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port San Francisco has determined that potential hazards associated with the transit of the M/V ZHEN HUA 26 between June 24, 2021 and July 8, 2021, will be a safety concern for anyone within a 500-foot radius of the vessel during its transit to the Port of Oakland, while the vessel is within the San Francisco Bay and areas shoreward of the line drawn between San Francisco Main Ship Channel Lighted Bell Buoy 7 and San Francisco Main Ship Channel Lighted Whistle Buoy 8 (LLNR 4190 & 4195) in positions 37°46.9′ N, 122°35.4′ W and 37°46.5′ N, 122°35.2′ W, respectively. 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 the Everport Container Terminal in Oakland, CA.

IV. Discussion of the Rule

This rule establishes a temporary safety zone from 12:01 a.m. on June 24, 2021 until 11:59 p.m. on July 8, 2021, during the inbound transit of the M/V ZHEN HUA 26. While the M/V ZHEN HUA 26 is within the San Francisco Bay and areas shoreward of the line drawn between San Francisco Main Ship Channel Lighted Bell Buoy 7 and San Francisco Main Ship Channel Lighted Whistle Buoy 8 (LLNR 4190 & 4195) in positions 37°46.9′ N, 122°35.4′ W and 37°46.5′ N, 122°35.2′ W, respectively, the safety zone will encompass the navigable waters around and under the vessel, from 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 the ship-to-shore gantry crane arm, which will extend more than 215 feet out from the transiting vessel.

The M/V ZHEN HUA 26 may make a temporary stop in anchorage during its transit to the Everport Container Terminal. The vessel would stop temporarily to catch the proper tide window after transiting beneath the San Francisco-Oakland Bay Bridge.

The effect of the safety zone is to restrict navigation in the vicinity of the M/V ZHEN HUA 26. Except for persons or vessels authorized by the COTP or the COTP’s designated representative, no person or vessel may enter or remain in the restricted area. “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 San Francisco (COTP) in the enforcement of the safety 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. 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 limited duration and narrowly tailored geographic area of the safety zone. This safety zone impacts a 500-foot-radius area of the San Francisco Bay in San Francisco, CA for a limited duration. While the safety zone encompasses a two-week 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 temporary safety zone may be small

entities, for the reasons stated in section V.A. above, this rule will not have a significant economic impact on any vessel owner or operator.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please 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 Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone which prevents entry to a 500-foot radius area of the San Francisco Bay for a limited period of time during a vessel's inbound transit. It is categorically excluded from further review under paragraph L60(a) in Table 3–1 of Department of Homeland Security Directive 023–01. 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 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.T11–055 to read as follows:

§ 165.T11–055 Safety Zone; Oakland Crane Arrival, San Francisco Bay, Oakland, CA.

(a) *Location.* The following area is a safety zone: All navigable waters of the San Francisco Bay, 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 inbound transit from a line drawn between San Francisco Main Ship Channel Lighted Bell Buoy 7 and San Francisco Main Ship Channel Lighted Whistle Buoy 8 (LLNR 4190 & 4195) in positions 37°46.9' N, 122°35.4' W (NAD 83) and 37°46.5' N, 122°35.2' W (NAD 83), respectively, to the Everport Container Terminal in Oakland, CA. This transit includes a stop at anchorage to assess the safe bridge clearance and transit beneath the San Francisco-Oakland Bay Bridge.

(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 San Francisco (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 (415) 399–3547.

(d) *Enforcement period.* This section will be enforced between 12:01 a.m. on June 24, 2021, until 11:59 p.m. on July 8, 2021, during the inbound 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 33 CFR 165.7.

Dated: June 22, 2021.

Marie B. Byrd,

Captain, U.S. Coast Guard, Captain of the Port, San Francisco.

[FR Doc. 2021-13620 Filed 6-23-21; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG-2021-0420]

RIN 1625-AA00

Safety Zone; Clear Lake, Clear Creek, TX

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters within 100 feet of the Pre-Stage Zone, Approach Zone, Course Run Zone and Shut-Down Zone during the Texas Outlaw Challenge in Clear Lake, Clear Creek, TX. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by the power boat race. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Houston-Galveston.

DATES: This rule is effective from 7 a.m. to 2 p.m. on June 25, 2021.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG-2021-0420 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 James Mitard, Sector Houston-Galveston Waterways Management Division, U.S. Coast Guard; telephone 281-464-4780, email James.V.Mitard@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking

§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable. We must establish this special local regulation by June 25, 2021 and lack sufficient time to provide a reasonable comment period and then consider those comments before issuing the rule.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be contrary to the public interest because immediate action is needed to respond to the potential safety hazards associated with the power boat race being conducted in the third largest recreational boating community in the nation.

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 Houston-Galveston (COTP) has determined that potential hazards associated with the power boat race on June 25, 2021 in Clear Lake, TX, will be a safety concern for anyone within the Pre-Stage Zone, Approach Zone, Course Run Zone, and Shut-Down Zone before, during, and after the scheduled event. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within these areas during the power boat race.

IV. Discussion of the Rule

This rule establishes a safety zone from 7 a.m. to 2 p.m. on June 25, 2021. The safety zone will cover all navigable waters within 100 feet of the different zones of the boat course to include the Pre-Stage Zone, Approach Zone, Course Run Zone and Shut-Down Zone. All of these zones along with the Spectator Zone are described below:

Pre-Stage Zone: This area is the pre-staging area for participating vessels to line up. It will include all waters within the following areas 29°33.13 N, 095°01.84 W, 29°33.12 N, 095°01.89 W, 29°33.23 N, 095°01.96 W, 29°33.13 N, 095°01.84 W.

Approach Zone: ¼ mile distance required for participating vessels to obtain the minimum 40mph requirement for course entry. This will be a straight line to begin at approximately 29°33.256 N, 095°01.89 W and end at approximately 29°33.33 N, 095°02.15 W.

Course Run Zone: ¾ mile distance where participating vessels will conduct their high-speed run. This will be a straight line to begin at approximately 29°33.33 N, 095°02.16 W and end at approximately 29°33.53 N, 095°02.98 W.

Shut-Down Zone: 1 mile distance where participating vessels will be allowed to slow their speeds back to an idle. This will be a straight line to begin at approximately 29°33.53 N, 095°02.98 W and end at approximately 29°33.74 N, 095°04.1 W.

Spectator Zone: All vessels that will be viewing the event will be required to stay within a designated area. The sponsor is responsible for marking the spectator zone with 4 buoys on the outer corners and ensuring that all vessels within the area are anchored and remain in the area during all ongoing high-speed runs.

No vessel or person would be permitted to enter the established zones without obtaining permission from the on-water Safety-Officer or designated representative. If permission to transit the area is granted, the person must comply with the directions of the on-water Safety Officer or designated representative.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

Office of Management and Budget (OMB).

This regulatory action determination is based on the size, location, and duration of the temporary safety zone. This regulatory action will last seven hours and encompasses a 100 feet radius around the boat race path and staging area. The rest of the lake is open to the public to transit. Vessels and persons may seek permission to transit the regulated areas from the on-water Safety Officer or 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 special local regulation area may be small entities, for the reasons stated in section V.A above, this rule will not have a significant economic impact on any vessel owner or operator.

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone lasting 7 hours that will prohibit entry within 100 feet of the boat race course. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01,

Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T08–0420 to read as follows:

§ 165.T08–0420 Safety Zone; Clear Lake, Clear Creek, TX

(a) *Location.* The following areas of Clear Lake in Clear Creek, TX make up a safety zone:

(1) *Pre-stage zone.* All navigable waters within 100 feet of the Pre-Stage Zone which includes all waters within the following areas: 29°33.13 N, 095°01.84 W, 29°33.12 N, 095°01.89 W, 29°33.23 N, 095°01.96 W, 29°33.13 N, 095°01.84 W;

(2) *Approach zone.* Comprised of all navigable waters within 100 feet of a straight line beginning at approximately 29°33.256 N, 095°01.89 W and ending approximately 29°33.33 N, 095°02.15 W;

(3) *Course run zone.* Comprised of all navigable waters within 100 ft of a straight line beginning at approximately 29°33.33 N, 095°02.16 W and ending at approximately 29°33.53 N, 095°02.98 W;

(4) *Shut-down zone.* Comprised of all navigable waters within 100 feet of a straight line beginning at approximately 29°33.53 N, 095°02.98 W and ending at approximately 29°33.74 N, 095°04.1 W;

(5) *Spectator zone.* All vessels that will be viewing the event must remain anchored within a designated area during all ongoing high-speed runs. The sponsor is responsible for marking the spectator zone with 4 buoys on the outer corners.

(b) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, persons and vessels are prohibited from entering the safety zone unless authorized by the on-water Safety Officer or a designated representative. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard assigned to units under the operational control of USCG Sector Houston-Galveston.

(2) Persons or vessels desiring to enter into or pass through the zone must request permission from the on-water Safety Officer or a designated representative. They may be contacted on VHF radio Channel 16.

(3) If permission is granted, all persons and vessels shall comply with the instructions of the on-water Safety Officer or designated representative while navigating in the regulated area.

(c) *Enforcement period:* This safety zone will be enforced from from 7 a.m. to 2 p.m. on June 25, 2021.

J.E. Smith,

Captain, U.S. Coast Guard, Captain of the Port Houston-Galveston.

[FR Doc. 2021-13229 Filed 6-23-21; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG-2021-0368]

Special Local Regulations; City of North Charleston Fireworks; Charleston, SC

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce a special local regulation for the City of North Charleston's Fireworks Display on July 4, 2021 from 8 p.m. until 10 p.m., to provide for the safety of life on navigable waterways during the event. The Coast Guard will enforce a temporary safety zone during the City of North Charleston's Fireworks Display occurring at Waterfront Park on the Cooper River, in Charleston, South Carolina. The temporary safety zone is

necessary to protect vessels, spectators, and the general public during the event. During the enforcement period, no person or vessel may enter, transit through, anchor in, or remain within the designated area unless authorized by the Captain of the Port Charleston (COTP) or a designated representative.

DATES: The regulation in 33 CFR 100.704, Table 1 to § 100.704, Item No. (5), will be enforced from 8 p.m. until 10 p.m. on July 4, 2021.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email Lieutenant Commander Chad Ray, Sector Charleston Office of Waterways Management, Coast Guard; telephone (843) 740-3184, email *Chad.L.Ray@uscg.mil*.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the special local regulation in 33 CFR 100.704, Table 1 to § 100.704, Item No. (5), for the City of North Charleston's Fireworks Display on July 4, 2021 from 8 p.m. to 10 p.m. This action is being taken to provide for the safety of life on navigable waterways during this event. The regulation in § 100.704, Table 1 to § 100.704, Item No. (5), specifies the location of the regulated area for the City of North Charleston's Fireworks Display, which encompasses a portion of the Cooper River at River Front Park in Charleston, South Carolina. During the enforcement periods, as reflected in § 100.704(c)(1), if you are the operator of a vessel in the regulated area you must comply with directions of the COTP Charleston or from his designated representative, including the Patrol Commander or any Official Patrol displaying a Coast Guard ensign.

In addition to this notice of enforcement in the **Federal Register**, the Coast Guard plans to provide notification of this enforcement period via the Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

Dated: June 17, 2021.

J.D. Cole,

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

[FR Doc. 2021-13255 Filed 6-23-21; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Parts 510

[CMS-5529-CN]

RIN 0938-AU01

Medicare Program: Comprehensive Care for Joint Replacement Model Three Year Extension and Changes to Episode Definition and Pricing; Medicare and Medicaid Programs; Policy and Regulatory Revisions in Response to the COVID-19 Public Health Emergency; Additional Policy and Regulatory Revisions in Response to the COVID-19 Public Health Emergency; Correction

AGENCY: Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services (HHS).

ACTION: Final rule; correction.

SUMMARY: This document corrects technical errors that appeared in the final rule published in the May 3, 2021, **Federal Register**, titled "Medicare Program: Comprehensive Care for Joint Replacement Model Three Year Extension and Changes to Episode Definition and Pricing; Medicare and Medicaid Programs; Policy and Regulatory Revisions in Response to the COVID-19 Public Health Emergency; Additional Policy and Regulatory Revisions in Response to the COVID-19 Public Health Emergency."

DATES: This correction is effective on July 2, 2021.

FOR FURTHER INFORMATION CONTACT: Heather Holsey, (410) 786-0028.

SUPPLEMENTARY INFORMATION:

I. Background

In FR Doc. 2021-09097 of May 3, 2021 (86 FR 23496), there were technical errors in the preamble that are identified and corrected in this correcting document. The provisions in this correction document apply as if they had been included in the document published May 3, 2021.

II. Summary of Errors

On page 23553, we stated that all Comprehensive Care for Joint Replacement (CJR) model procedures, as of CY 2021, could be performed in ambulatory surgical centers (ASCs), erroneously indicating that they would all be paid for by Medicare. We failed to note the exception to the ASC covered procedure list policy that excludes procedures that had been on

the inpatient only (IPO) list as of December 31, 2020, which is codified at 42 CFR 416.166(b)(2)(ii)(A). Therefore, we erroneously suggested that total ankle replacement (TAR) is on the list of ASC covered surgical procedures and can be paid for by Medicare when performed in the ASC, whereas TAR is actually subject to the exception at § 416.166(b)(2)(ii)(A) and is not paid for by Medicare when performed in the ASC. We are revising that paragraph in the preamble to state that total knee arthroplasty (TKA) and total hip arthroplasty (THA) are both on the ASC covered surgical procedures list, and we are deleting the reference to TAR.

III. Waiver of Proposed Rulemaking and Delay in Effective Date

Under 5 U.S.C. 553(b) of the Administrative Procedure Act (APA), the agency is required to publish a notice of the proposed rule in the **Federal Register** before the provisions of a rule take effect. Specifically, 5 U.S.C. 553 requires the agency to publish a notice of the proposed rule in the **Federal Register** that includes a reference to the legal authority under which the rule is proposed, and the terms and substance of the proposed rule or a description of the subjects and issues involved. Further, 5 U.S.C. 553 requires the agency to give interested parties the opportunity to participate in the rulemaking through public comment before the provisions of the rule take effect. Similarly, section 1871(b)(1) of the Social Security Act (the Act) requires the Secretary to provide for notice of the proposed rule in the **Federal Register** and provide a period of not less than 60 days for public comment for rulemaking to carry out the administration of the Medicare program under title XVIII of the Act. In addition, section 553(d) of the APA, and section 1871(e)(1)(B)(i) of the Act mandate a 30-day delay in effective date after issuance or publication of a rule. Sections 553(b)(B) and 553(d)(3) of the APA provide for exceptions from the notice and comment and delay in effective date APA requirements. In cases in which these exceptions apply, sections 1871(b)(2)(C) and 1871(e)(1)(B)(ii) of the Act, also provide exceptions from the notice and 60-day comment period and delay in effective date requirements of the Act. Section 553(b)(B) of the APA and section 1871(b)(2)(C) of the Act authorize an agency to dispense with normal rulemaking requirements for good cause if the agency makes a finding that the notice and comment process are impracticable, unnecessary, or contrary to the public interest. In addition, both section 553(d)(3) of the

APA and section 1871(e)(1)(B)(ii) of the Act allow the agency to avoid the 30-day delay in effective date where such delay is contrary to the public interest and an agency includes a statement of support.

We believe that this correcting document does not constitute a rule that would be subject to the notice and comment or delayed effective date requirements of the APA or section 1871 of the Act. This correcting document corrects technical errors in the preamble of the final rule but does not make substantive changes to the policies that were adopted in the final rule. As a result, this correcting document is intended to ensure that the information in the final rule accurately reflects the policies adopted in that final rule.

In addition, even if this were a rule to which the notice and comment procedures and delayed effective date requirements applied, we find that there is good cause to waive such requirements. Undertaking further notice and comment procedures to incorporate the corrections in this document into the final rule or delaying the effective date would be contrary to the public interest because it is in the public's interest to ensure that the final rule accurately reflects our policies. Furthermore, such procedures would be unnecessary, as we are not altering payment eligibility or benefit methodologies or policies, but rather, simply correcting the preamble description of policies that we previously proposed, received comment on, and subsequently finalized. This correcting document is intended solely to ensure that the final rule accurately reflects these policies. Therefore, we believe we have good cause to waive the requirements for notice and comment and delay of effective date.

IV. Correction of Errors

In FR Doc. 2021–09097 of May 3, 2021 (86 FR 23496), make the following corrections:

1. On page 23553, second column, first partial paragraph,
 a. Lines 6 through 11, the phrase “remove TAR and certain other orthopedic procedures from the IPO list and allow all procedures not on the IPO list to be paid when furnished in both the outpatient hospital and ASC settings” is corrected to read “add THAs to the ASC covered procedures list”.

b. Lines 11 through 13, the phrase “all procedures included in the CJR model can, as of CY 2021, be performed in the ASC setting” is corrected to read “both TKA and THA may, as of CY 2021, be paid for by Medicare when furnished in the ASC setting”.

c. Line 15, the phrase “hospital setting is corrected to read “hospital settings.”

Karuna Seshasai,

*Executive Secretary to the Department,
 Department of Health and Human Services.*

[FR Doc. 2021–13324 Filed 6–23–21; 8:45 am]

BILLING CODE 4150–28–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 51

[WC Docket No. 18–156; FCC 20–143; FRS #33399]

8YY Charge Reform

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: In this document, the Commission announces that the Office of Management and Budget (OMB) has approved, for a period of three years, the information collection associated with the Commission's 8YY Charge Reform Report and Order (*Order*)'s toll free or 8YY intercarrier compensation rules. This document is consistent with the *Order*, which stated that the Commission would publish a document in the **Federal Register** announcing the effective date of those rules.

DATES: The amendments to §§ 51.907(i) through (k) (instruction 4), 51.909(l) through (o) (instruction 5), and 51.911(e) (instruction 6.b), published at 85 FR 75894, November 27, 2020, are effective June 24, 2021.

FOR FURTHER INFORMATION CONTACT: Ahuva Battams, Pricing Policy Division, Wireline Competition Bureau, at (202) 418–1565, or email: ahuva.battams@fcc.gov.

SUPPLEMENTARY INFORMATION: This document announces that, on May 13, 2021, OMB approved, for a period of three years, the information collection requirements relating to the 8YY intercarrier compensation rules contained in the Commission's *Order*, FCC 20–143, published at 85 FR 75894. The OMB Control Number is 3060–0298. The Commission publishes this document as an announcement of the effective date of the rules. If you have any comments on the burden estimates listed below, or how the Commission can improve the collections and reduce any burdens caused thereby, please contact Nicole Ongele, Federal Communications Commission, 45 L St. NE, Washington, DC 20554. Please

include the OMB Control Number, 3060–0298, in your correspondence. The Commission will also accept your comments via email at PRA@fcc.gov.

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

Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the FCC is notifying the public that it received final OMB approval on May 13, 2021, for the information collection requirements contained in the modifications to the Commission's rules in 47 CFR part 51.

Under 5 CFR part 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number.

No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number. The OMB Control Number is 3060–0298.

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

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

OMB Control Number: 3060–0298.

OMB Approval Date: May 13, 2021.

OMB Expiration Date: May 31, 2024.

Title: Part 61, Tariffs (Other than Tariff Review Plan).

Form Number: N/A.

Respondents: Businesses or other for-profit entities.

Number of Respondents and

Responses: 2,925 respondents; 9,585 responses.

Estimated Time per Response: 1–50 hours.

Frequency of Response: One-time, biennial and on-occasion reporting requirements.

Obligation To Respond: Required to obtain or retain benefits. The statutory authority for this information collection is contained in sections 1–5, 201–205, 208, 251–271, 403, 502, and 503 of the Communications Act of 1934, as amended, 47 U.S.C. 151–155, 201–205, 208, 251–271, 403, 502 and 503.

Total Annual Burden: 244,477 hours.

Total Annual Cost: \$1,584,000.

Nature and Extent of Confidentiality: Respondents are not being asked to submit confidential information to the

Commission. If the Commission requests respondents to submit information which respondents believe is confidential, respondents may request confidential treatment of such information under 47 CFR 0.459 of the Commission's rules.

Privacy Act: No impact(s).

Needs and Uses: Sections 201, 202, 203, 204 and 205 of the Communications Act of 1934, (Act) as amended, 47 U.S.C. 201, 202, 203, 204 and 205, require that common carriers establish just and reasonable charges, practices, and regulations, which must be filed with the Commission to determine whether such schedules are just, reasonable and not unduly discriminatory. On October 9, 2020, the Commission released the *Order*, FCC 20–143, published at 85 FR 75894, which transitions intercarrier compensation for toll-free services either to lower, uniform rate caps or to bill-and-keep over approximately three years as a means of curtailing abuse of the 8YY intercarrier compensation regime. The Order requires price cap and rate-of-return carriers to establish separate rate elements for certain interstate and intrastate toll free and non-toll free services. Carriers are also required to lower the 8YY database query charges over three years, and are prohibited from charging for more than one query per call. Competitive local exchange carriers (LECs) assessing a tariffed intrastate or interstate Toll Free Database Query Charge must cap such charges and revise their tariffs to ensure that those charges do not exceed the rates charged by the competing incumbent LEC.

The information collected through carriers' tariffs is used by the Commission and state commissions to determine whether services offered are just and reasonable, as the Act requires. The tariffs and any supporting documentation are examined in order to determine if the services are offered in a just and reasonable manner.

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2021–13213 Filed 6–23–21; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R6–ES–2019–0055; FF09E22000 FXES11130900000 201]

RIN 1018–BD49

Endangered and Threatened Wildlife and Plants; Removing the Kanab Ambersnail From the List of Endangered and Threatened Wildlife

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), are removing the Kanab ambersnail (*Oxyloma haydeni kanabensis*) from the Federal List of Endangered and Threatened Wildlife. This determination is based on a thorough review of the best available scientific information. Our review indicates that the Kanab ambersnail is not a valid subspecies and therefore cannot be listed as an endangered entity under the Endangered Species Act.

DATES: This rule is effective July 26, 2021.

ADDRESSES: This final rule, the supporting documents we used in preparing this rule, and public comments we received are available on the internet at <http://www.regulations.gov> at Docket No. FWS–R6–ES–2019–0055. Persons who use a telecommunications device for the deaf may call the Federal Relay Service at 800–877–8339.

FOR FURTHER INFORMATION CONTACT: Yvette Converse, Field Supervisor, telephone: 801–975–3330. Direct all questions or requests for additional information to: Kanab Ambersnail Questions, U.S. Fish and Wildlife Service; Utah Ecological Services Field Office; 2369 Orton Circle, Suite 50; West Valley City, Utah 84119. Persons who use a telecommunications device for the deaf may call the Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Previous Federal Actions

On November 15, 1991, we proposed to list the Kanab ambersnail as an endangered species (56 FR 58020). The species' habitat was greatly reduced in size and the population declined, due to preparations for anticipated development. On April 17, 1992, we published a final rule listing the Kanab ambersnail as an endangered species (57 FR 13657), but as explained in that rule,

we did not designate critical habitat because we found that designation would be not prudent due to a danger of over-collection or purposeful harm or killing of snails if the locations of the snails were made public on critical habitat maps. On October 12, 1995, we finalized the Kanab ambersnail recovery plan (Service 1995, entire).

We completed a 5-year review of the species' status in July 2011 (Service 2011, entire). As of the time of the 2011 5-year review, several genetic studies indicated that at least one of the three populations identified as the Kanab ambersnail was potentially part of a different species or subspecies, but we did not consider those studies alone to be certain enough to recommend delisting at that time (Miller *et al.* 2000, p. 8; Stevens *et al.* 2000, p. 7; Culver *et al.* 2007, p. 3; Service 2011, pp. 8–9). The subsequent publication of a larger, more comprehensive study on the genetics of the Kanab ambersnail and the *Oxyloma* genus (Culver *et al.* 2013, entire) resulted in our proposed rule to delist Kanab ambersnail based on new taxonomic information indicating that it was not a valid taxon, published in the **Federal Register** on January 6, 2020 (85 FR 487). Please refer to that proposed rule for a more detailed description of the Federal actions concerning this species that occurred prior to November 26, 2019.

Species Description and Habitat Information

It is our intent to discuss only those topics directly related to delisting the Kanab ambersnail in this rule. For more information on the description, biology, ecology, and habitat of the Kanab ambersnail, please refer to the final listing rule published in the **Federal Register** on April 17, 1992 (57 FR 13657); the Kanab ambersnail recovery plan (Service 1995); the most recent 5-year review for the Kanab ambersnail completed in July 2011 (Service 2011); or any of the documents referenced by this rule. The Service documents, personal communications, and a list of cited literature are available as supporting materials on <http://www.regulations.gov> under Docket No. FWS-R6-ES-2019-0055.

The Kanab ambersnail (*Oxyloma haydeni kanabensis*) was taxonomically identified as a terrestrial snail in the family Succineidae. Succineids are usually referred to as ambersnails due to their mottled grayish-amber to yellowish-amber colored shells (Sorensen and Nelson 2002, p. 5).

The Kanab ambersnail typically inhabits marshes and other wetlands watered by springs and seeps at the base

of sandstone or limestone cliffs (Clarke 1991, pp. 28–29; Spamer and Bogan 1993, p. 296; Meretsky *et al.* 2002, p. 309). Habitat vegetation can consist of cattail (*Typha domingensis*), sedge (*Juncus* spp.), native crimson monkeyflower (*Mimulus cardinalis*), watercress (*Nasturtium officinale*), and native water sedge (*Carex aquatilis*), and maidenhair fern (*Adiantum capillus-veneris*) (57 FR 13657, April 17, 1992; Stevens *et al.* 1997, p. 6; Sorensen 2005, p. 3). The Kanab ambersnail often inhabits dead and decaying litter and live stems of plants (Service 2011, p. 11).

When the Kanab ambersnail was listed, we knew of two populations in Utah (Three Lakes and Kanab Creek Canyon) and one population in Arizona (Vasey's Paradise) (57 FR 13657, April 17, 1992). The Kanab Creek Canyon population in Utah was extirpated by 1991, after dewatering of the seep for livestock use severely reduced the available habitat. Kanab ambersnails were last found there in 1990, when three individuals were identified (Service 2011, p. 12). Currently, there are two naturally occurring populations of Kanab ambersnails (Vasey's Paradise in Arizona, and Three Lakes in Utah) and one introduced population (Upper Elves Canyon in Arizona) established with individuals translocated from Vasey's Paradise (Service 2011, p. 6).

The Vasey's Paradise population was discovered in 1991 (Spamer and Bogan 1993, p. 47). Vasey's Paradise is a riverside spring located approximately 33 miles (mi) (53 kilometers (km)) downstream of Lee's Ferry on the Colorado River, in Grand Canyon National Park, Arizona (Spamer and Bogan 1993, p. 37). Occupied and potential habitat at Vasey's Paradise is 9,041 square feet (ft²) (840 square meters (m²)) (Service 1995, p. ii). The population is protected by National Park Service regulations and the presence of poison ivy, which deters visitors (Stevens *et al.* 1997, p. 12; Sorensen 2016, pers. comm.).

Monitoring of the Vasey's Paradise population from 2007 to present has relied on timed counts of live snails observed among the traditionally sampled vegetation patches. The timed count sampling provides a catch-per-unit-effort (CPUE) estimate of relative abundance of the snails in each survey. Over the past decade, there have been seasonal and annual variations in CPUE estimates of the Vasey's Paradise population. Overall the relative abundance of this Kanab ambersnail population has declined substantially from the levels observed in the late 1990s and prior to 2002, when drought

conditions and reduced spring flow became particularly severe (Sorensen 2015, p. 10; Sorensen 2020, p. 1). This decline has continued since 2011 (Sorensen 2015, p. 10; Sorensen 2020, p. 1).

The most recent population estimate is from 2002, which estimated 3,124 individuals and noted that population numbers could be highly variable from year to year (Gloss *et al.* 2005, p. 3). Fourteen individuals were collected in 2008, for genetic analysis (Culver *et al.* 2013, p. 7). A survey in 2016 found only one snail, but search conditions were difficult and time was limited (Sorensen 2016, pers. comm.).

The Three Lakes population is a series of small ponds on private land approximately 6 mi (10 km) northwest of Kanab, Utah (Clarke 1991, p. 28; Service 1995, p. 3). Occupied and potential habitat is approximately 4.94 acres (ac) (2 hectares (ha)) (Service 1995, p. 3). Available habitat is wet meadow and marsh. The habitat was greatly reduced in size and the population declined beginning in 1991, due to preparations for anticipated development, which resulted in the original emergency listing (57 FR 13657, April 17, 1992). The development anticipated at the time of listing has not occurred, and Kanab ambersnails were found there in 2008 (Culver *et al.* 2013, p. 6) and 2016 (Sorensen 2016, pers. comm.).

A timed count survey of the Three Lakes population was conducted in early October 2011 by Service, Utah Division of Wildlife Resources, and Arizona Fish and Game Department biologists. The Three Lakes Kanab ambersnail population was robust with a CPUE estimate of 10.47 snails per 10 minutes searched (Sorensen 2011, p. 14). In 2016, the land was sold to Best Friends Animal Sanctuary, which has expressed a willingness to preserve the habitat. A followup survey of the Three Lakes Kanab ambersnail population was conducted by the same partners in early May 2017, with an estimated CPUE of 158.75 snails per 10 minutes searched (Sorensen 2017, pers. comm.).

Upper Elves Canyon is located approximately 83 mi (134 km) downstream of Vasey's Paradise on the Colorado River, in Grand Canyon National Park, Arizona (Sorensen 2016, p. 1). Occupied and potential habitat is adjacent to a perennial seep and is 1,068 ft² (99.2 m²) (Sorensen 2005, p. 3). This population is protected by National Park Service regulations, as well as by its inaccessibility (Service 2011, p. 7). This population was established by the Arizona Fish and Game Department between 1998 and 2002, by

translocating 340 individuals from the Vasey's Paradise population. Since 2005, this population has been considered self-sustaining with an estimated population of approximately 700 individuals (Sorensen 2005, p. 9). Between 2009 and 2015, timed count surveys of the translocated population at Upper Elves Chasm were conducted by Arizona Game and Fish Department, National Park Service biologists, and volunteers. Surveys over this timeframe documented a small but relatively stable Kanab ambersnail population at the site, with CPUE estimates between 0.85 to 4.15 snails per 10 minutes searched (Sorensen 2015, p. 12).

Taxonomy

Kanab ambersnails were first collected in 1909, by James Ferriss from an area called "The Greens," a vegetated seep approximately 6 mi (10 km) north of Kanab in Kanab Creek Canyon, Utah (57 FR 13657, April 17, 1992; Service 1995, p. 2). However, ambersnails have not been found at the type locality since 1991 (Meretsky *et al.* 2002, p. 314; Culver *et al.* 2013, p. 6).

The snails collected by James Ferriss in 1909 were initially placed in the species *Succinea hawkinisi*, but Pilsbry (1948, p. 797) placed them in *Oxyloma* and created the subspecies *kanabensis* under the species *haydeni* (57 FR 13657, April 17, 1992). The subspecies *kanabensis* classification was considered to be temporary at the time, and the author recommended that the taxonomic status be reconsidered in the future (Pilsbry 1948, p. 798; Clarke 1991, p. 23; 57 FR 13657, April 17, 1992).

We have assessed all available genetic information for the Kanab ambersnail (Miller *et al.* 2000, entire; Stevens *et al.* 2000, entire; Culver *et al.* 2013, entire). Since the listing of Kanab ambersnail in 1992 (57 FR 13657; April 17, 1992) and the publication of the Kanab ambersnail recovery plan in 1995 (Service 1995, entire), several studies on subspecies distribution, morphological characteristics, and genetic relationships to other *Oxyloma* species have been completed. We briefly describe these studies below. At this time, these studies represent the best scientific information available in order for us to analyze the Kanab ambersnail's distribution and taxonomic changes.

Various analyses can be done to determine genetic structure of a species, including analyses of: (1) Mitochondrial DNA, which is rapidly evolving and useful to determine recent populations; (2) nuclear microsatellite DNA, which has high amounts of genetic variation and can be used to look at populations

within a species; (3) nuclear DNA, which is inherited equally from both parents (unlike mitochondrial DNA, which is inherited maternally); and (4) amplified fragment length polymorphisms (AFLP), which are used to sample multiple loci across the genome.

Miller *et al.* (2000) used AFLP to determine intra- and inter-population genetic information for four *Oxyloma* species in Utah and Arizona. Among these, two Niobrara ambersnail (*Oxyloma haydeni haydeni*) locations were studied at Indian Gardens (Arizona) and Minus Nine Mile Spring (Arizona), and two Kanab ambersnail populations were studied at Three Lakes (Utah) and Vasey's Paradise (Arizona) (Miller *et al.* 2000, pp. 1845–1946). From this study, the ambersnail population at Three Lakes appears more closely related to the Niobrara ambersnail population at Indian Gardens than to the ambersnail population at Vasey's Paradise (Miller *et al.* 2000, p. 1852). Upper Elves Canyon was not included in this study.

Stevens *et al.* (2000) used mitochondrial DNA and morphological analysis to distinguish Succineidae (*Oxyloma*, *Catinella*, and *Succinea*) populations in the United States and Canada. The authors collected over 450 samples from seven U.S. States and Canadian provinces, including from 63 different populations or locations of snails (Stevens *et al.* 2000, p. 4). Determining *Oxyloma* species based on morphology was shown to be inaccurate (Stevens *et al.* 2000, pp. 4–5, 42). Vasey's Paradise did not cluster with the Three Lakes ambersnail population or the two sampled Niobrara ambersnail populations, leading the authors to suggest Vasey's Paradise might represent a unique species (Stevens *et al.* 2000, p. 41). However, a later, more comprehensive study found that Vasey's Paradise clustered closely enough with samples from other surrounding *Oxyloma* populations for them all to be considered part of the same *Oxyloma* species (Culver *et al.* 2013, p. 57).

In this most recent and detailed peer-reviewed study, ambersnails were collected from 12 locations in Arizona and Utah, with each location providing at least 14 ambersnail specimens (Culver *et al.* 2013, p. 5). Samples consisted of Kanab ambersnail, Niobrara ambersnail, blunt ambersnail (*Oxyloma retusum*), undescribed species of *Oxyloma*, and individuals from *Catinella* (used to provide an outgroup comparison) (Culver *et al.* 2013, p. 6). This study included samples from all three extant populations identified as Kanab ambersnail. Between the

Oxyloma populations, shell morphology did not have the variation usually associated with different species, leading the authors to state that none of the 12 populations sampled was reproductively isolated from the others (Culver *et al.* 2013, p. 52). This information supports the finding that the three populations identified as Kanab ambersnail do not alone comprise a discrete taxon.

Genetic results indicated that there was gene flow among all the populations sampled, most likely due to short- or long-distance dispersals from other populations (Culver *et al.* 2013, p. 57). Additionally, Kanab ambersnail samples from Vasey's Paradise did not cluster with the other two Kanab ambersnail populations (Culver *et al.* 2013, pp. 51, 55). The authors concluded that the three populations of Kanab ambersnail are not a valid subspecies of *Oxyloma haydeni* and should instead be considered part of the same taxa as the ambersnails from the eight other populations of *Oxyloma* in Utah and Arizona that were sampled for comparison (Culver *et al.* 2013, entire). This study declined to positively identify a species-level taxon for these 11 populations of ambersnail, due to lack of genetic information on the genus (Culver *et al.* 2013). The primary author stated later that her expert opinion was they should all, including those previously identified as Kanab ambersnail, be considered Niobrara ambersnail (*Oxyloma hadenyi*) (Culver 2016, pers. comm.). The authors stated that specimens from the type locality of the Niobrara ambersnail in Nebraska could be examined for comparison to verify this conclusion (Franzen 1964, p. 73; Culver *et al.* 2013, p. 57; Culver 2016, pers. comm.), but to date, no such analysis has been done.

The above-described Culver *et al.* (2013) study was released as a United States Geological Survey (USGS) Scientific Investigations Report, and the review approach was similar to that of manuscripts published by scientific journals. The report was initially reviewed by five reviewers and required subsequent revision. The report received an additional review following revision due to the complex subject matter. The response to reviewer comments and subsequent revised manuscript were reviewed by another independent geneticist to ensure that the author adequately addressed issues and comments brought up by reviewers (Sorensen 2014, pers. comm.). The subsequent revision that occurred after 2011 resulted in more genetic information added to the final 2013 manuscript, which further substantiated

the authors' findings (Sorensen 2014, pers. comm). As a result, we have a high level of confidence in the results of the Culver *et al.* (2013) genetic study.

For the Kanab ambersnail to be considered a distinct subspecies, nuclear and mitochondrial DNA tests should show that the three populations cluster together when compared to other populations of ambersnails (Culver *et al.* 2013, p. 55). However, the Vasey's Paradise population does not cluster with the other two Kanab ambersnail populations and the degree of variation shown in Vasey's Paradise from the other populations is not unique enough to constitute a subspecies on its own, as it shares markers with several nearby populations of non-listed *Oxyloma* snails (Stevens *et al.* 2000, p. 41; Culver *et al.* 2013, pp. 55–57).

The genetic uniqueness in Vasey's Paradise may be attributable to flooding, which can erode away ideal vegetation or habitat, leaving only a few individuals able to survive and reestablish the population at that site, creating genetic bottlenecks. Genetic diversity at these types of sites will often be lower than at sites that have experienced short- or long-distance dispersals (Culver *et al.* 2013, p. 55). Furthermore, ambersnails have the ability to self-reproduce, allowing for colonization of new areas by only one individual. This ability may explain how many genetically distinct populations of *Oxyloma* developed in a relatively short time period (Culver *et al.* 2013, p. 56). At least one or more bottleneck events in the past, likely due to flooding, caused unusual population genetic events (Culver *et al.* 2013, p. 55).

Overall, these studies show that shell morphology and anatomical characteristics that were once considered diagnostic do not alone reliably correspond with the results from genetic analyses of Succineidae snails (Hoagland and Davis 1987, p. 519; Pigati *et al.* 2010, p. 523). Samples originally identified as different species or subspecies based on physical differences are consistently found to be related closely enough to qualify as members of the same species based on genetic studies (Culver *et al.* 2013, entire; Miller *et al.* 2000, entire; Stevens *et al.* 2000, entire). Traditionally, shell morphology, such as their slender and drawn-out spire and short shell aperture, was used to distinguish the Kanab ambersnail from other members of *Oxyloma* (Pilsbry 1948, pp. 797–798). However, shell shape can vary as much within a population as within a species (Hoagland and Davis 1987, p. 519). Therefore, it is important to consider other factors such as genetics, anatomy,

and habitat to determine a species within *Oxyloma* (Hoagland and Davis 1987, p. 519; Sorensen and Nelson 2002, p. 5).

In addition to shell morphology, reproductive anatomy (phallus shape) was previously a main determining factor of the *Oxyloma* genus (Miller *et al.* 2000, p. 1853). However, anatomical descriptions used to classify the Kanab ambersnail had no quantifying factors, such as prostate gland length, and soft tissues were difficult to measure objectively (Pilsbry 1948, p. 798; Culver *et al.* 2013, pp. 52–53). It is difficult to achieve standard anatomical measurements with repeatability because of the flexibility and elasticity of soft tissues (Culver *et al.* 2013, p. 18). Overall, anatomical characteristics have been found to vary greatly within *Oxyloma* (Culver *et al.* 2013, p. 52).

There have been at least two instances when a species of snail was placed in the wrong genus due to relying solely on the reproductive anatomy (Johnson *et al.* 1986, p. 105; Miller *et al.* 2000, p. 1853). In another case, variation in anatomical structure was found in the blunt ambersnail, leading the authors to conclude that the species was not restricted geographically as initially believed (Franzen 1963, p. 94). Previous *Oxyloma* studies have used only one or two specimens to determine the species' taxonomic status, which makes it difficult to properly assess the true status (Hoagland and Davis 1987, p. 515).

Standards for quantifying anatomy are minimal and not descriptive enough, with the use of such words as small, medium, and large, which are vague terms and not measurable (Hoagland and Davis 1987, p. 478). Anatomical characteristics should not be the only factor to determine a species within *Oxyloma*, even with an understanding of the individual and geographical variation (Franzen 1963, p. 83). Variation between populations, anatomical differences among individuals, overlapping habitat, and minimal repeatability with measurements of anatomical features make it difficult to rely on anatomical descriptions to determine species classification (Franzen 1964, p. 80; Sorensen and Nelson 2002, pp. 4–5). Overall, reproductive anatomy is likely not a good species indicator in snails; instead, genetic relationships provide the most reliable method of classifying taxa.

In summary, these analyses present multiple interpretations of the taxonomy of the Kanab ambersnail, none of which correlates to that of our original listing. Although the exact

taxonomy of the genus *Oxyloma* and its constituent species remains uncertain, it is clear that the populations designated as the Kanab ambersnail do not make up, together or separately, a valid subspecies. The 1992 final listing rule for the Kanab ambersnail (57 FR 13657; April 17, 1992) relied on the best available information at the time, and included only snails found in Vasey's Paradise in Arizona and Three Lakes and Kanab Creek in Utah. This situation has changed with the addition of the 2013 genetic study of the *Oxyloma* genus in Utah and Arizona (Culver *et al.* 2013, entire).

The various published and unpublished genetics reports described above offer different conclusions about how Succineid snails should be classified, particularly within the genus *Oxyloma*. However, none of the genetic studies provides support for *Oxyloma haydeni kanabensis* as a valid subspecies. Additionally, available genetic evidence suggests that at least one population identified as Kanab ambersnail is more closely related to other nearby *Oxyloma* populations than it is to the other two Kanab ambersnail populations.

Therefore, we are delisting the Kanab ambersnail due to new taxonomic information that indicates that it is not a valid taxon, based on the best available science. The currently listed entity for the Kanab ambersnail, restricted to Vasey's Paradise and Upper Elves Canyon, Arizona, and Three Lakes, Utah, is not a valid taxonomic subspecies. We are unable to evaluate the populations identified as the Kanab ambersnail relative to the larger entity because the larger entity has not yet been defined from a taxonomic perspective. If we had additional updated information available about the taxonomy of the *Oxyloma* genus, we would conduct a status assessment of the larger entity, but in this case we do not have enough information to conduct that analysis. We do not consider the absence of information on the larger taxonomy of a group to be sufficient reason to keep an invalid subspecies listed as endangered.

Summary of Comments and Recommendations

In the proposed rule published in the **Federal Register** on January 6, 2020 (85 FR 487), we requested that all interested parties submit written comments on our proposal to delist the Kanab ambersnail by March 6, 2020. We also contacted appropriate Federal and State agencies, scientific experts and organizations, and other interested parties and invited them to comment on the proposal.

Newspaper notices inviting general public comment were published in the Salt Lake Tribune and Saint George News. We did not receive any requests for a public hearing. All substantive information provided during the comment period was either incorporated directly into this final rule or is addressed below.

Peer Reviewer Comments

In accordance with our joint policy on peer review published in the **Federal Register** on July 1, 1994 (59 FR 34270) and our August 22, 2016 memorandum updating and clarifying the role of peer review of listing actions under the Act (USFWS 2016, entire), we solicited expert opinion from seven knowledgeable individuals with scientific expertise and familiarity with the Kanab ambersnail, its habitat, its taxonomy, its biological needs and potential threats, or principles of conservation biology. We received responses from five peer reviewers. The purpose of peer review is to ensure that our listing determinations are based on scientifically sound data, assumptions, and analyses.

We reviewed and addressed all comments we received from the peer reviewers for substantive issues and new information regarding the proposed delisting of the Kanab ambersnail. The peer reviewers provided additional information, clarifications, and suggestions to improve the final rule, which we include in this rule or address in the responses to comments below. One of the reviewers expressed support for the proposed action. The other four did not state support or opposition to the proposed changes. All reviewers found that, with their suggested changes: The proposed rule was accurate; we provided adequate analysis to support our proposed determination; there were no significant oversights, omissions, or inconsistencies; our conclusions were logical and supported by the evidence provided; and we included all pertinent literature to support our arguments, assumptions, and conclusions.

All changes suggested by reviewers were incorporated into the text of this final rule. Such changes include additional details of population monitoring at all populations, an explanation of the rigorous review process for USGS reports, and a clarification on how shell morphology supports the conclusions in the Culver *et al.* 2013 study. Other minor editorial clarifications and corrections were also made based on peer reviewer comments.

Public Comments

We received seven letters from the public that provided comments on the proposed rule. Two of the commenters expressed their support for the proposed delisting and corroborated information we supplied in the rule. Four commenters expressed their opposition to it. Of these four, none presented substantive information to support their opposition. In all cases, the opposition was based on the importance of protecting rare species and ecosystems. While we agree that protecting rare species and the habitats in which they occur is important, it is not a relevant factor in this determination because Kanab ambersnail is not a valid taxon and is being delisted on that basis.

One commenter provided some additional historical background regarding the naming and sampling of certain ambersnail sites mentioned in the proposed rule, but stated that this information did not affect the validity of the proposed action. We agree and thank the commenter for the additional detail and have added it to the record, but do not include it in our final rule as it does not impact our conclusions on taxonomy.

Delisting Determination

Section 4 of the Act (16 U.S.C. 1533) and its implementing regulations (50 CFR part 424) set forth the procedures for listing, reclassifying, or removing species from the Federal Lists of Endangered and Threatened Wildlife and Plants. “Species” is defined by the Act as including any species or subspecies of fish or wildlife or plants, and any distinct population segment of vertebrate fish or wildlife that interbreeds when mature (16 U.S.C. 1532(16)). We may delist a species according to 50 CFR 424.11(e) if the best available scientific and commercial data indicate that: (1) The species is extinct; (2) the species does not meet the definition of an endangered or a threatened species; or (3) the listed entity does not meet the statutory definition of a species.

For the Kanab ambersnail, we conclude that the existing best available scientific information demonstrates that *Oxyloma haydeni kanabensis* does not represent a valid taxonomic entity and, therefore, does not meet the definition of “species” as defined in section 3(16) of the Act. Therefore, *Oxyloma haydeni kanabensis* no longer warrants listing under the Act. The Kanab ambersnail does not require a post-delisting monitoring plan because the requirements for a monitoring plan do not apply to species that are delisted for

not meeting the statutory definition of a species.

Effects of This Rule

This rule revises 50 CFR 17.11(h) to remove the Kanab ambersnail from the Federal List of Endangered and Threatened Wildlife. Because no critical habitat was ever designated for this subspecies, this rule does not affect 50 CFR 17.95.

The prohibitions and conservation measures provided by the Act no longer apply to the snail previously identified as the Kanab ambersnail. Interstate commerce, import, and export of the snails previously identified as the Kanab ambersnail are not prohibited under the Act. In addition, Federal agencies are no longer required to consult under section 7 of the Act on actions that may affect the snails previously identified as Kanab ambersnail or their habitat.

Required Determinations

National Environmental Policy Act

We have determined that environmental assessments and environmental impact statements, as defined under the authority of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), need not be prepared in connection with regulations pursuant to section 4(a) of the Act. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244).

Government-to-Government Relationship With Tribes

In accordance with the President’s memorandum of April 29, 1994 (Government-to-Government Relations with Native American Tribal Governments; 59 FR 22951), Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments), and the Department of the Interior’s manual at 512 DM 2, we readily acknowledge our responsibility to communicate meaningfully with recognized Federal Tribes on a government-to-government basis. In accordance with Secretarial Order 3206 of June 5, 1997 (American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act), we readily acknowledge our responsibilities to work directly with Tribes in developing programs for healthy ecosystems, to acknowledge that tribal lands are not subject to the same controls as Federal public lands, to remain sensitive to Indian culture, and to make information available to Tribes.

The populations that were listed as Kanab ambersnail do not occur on

Tribal land. We have determined that while no Tribes will be directly affected by this action, the delisting may result in changes to the flow regime for the Colorado River in and adjacent to the Grand Canyon. Several Tribes have an historic affiliation with the Grand Canyon and could be affected by flow changes, should they occur. The potentially impacted Tribes are the Chemehuevi, the Colorado River Indian Tribes, the Hualapai, the Hopi, the Kaibab Band of Paiute, the San Carlos Apache, the San Juan Southern Paiute, the Navajo, and the Zuni. These Tribes were notified in advance of the publication of the proposed rule and have been informed of the finalization of the delisting.

References Cited

A complete list of all references cited in this rule is available on the internet at <http://www.regulations.gov> under Docket No. FWS-R6-ES-2019-0055 or upon request from the Utah Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Authors

The primary authors of this rule are staff members of the Service's Utah Ecological Services Field Office.

Signing Authority

The Director, U.S. Fish and Wildlife Service, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the U.S. Fish and Wildlife Service. Martha Williams, Principal Deputy Director Exercising the Delegated Authority of the Director, U.S. Fish and Wildlife Service, approved this document on June 14, 2021, for publication.

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Regulation Promulgation

Accordingly, we hereby amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

■ 1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 1531–1544; and 4201–4245, unless otherwise noted.

§ 17.11 [Amended]

■ 2. Amend § 17.11(h) by removing the entry for “Ambersnail, Kanab” under SNAILS from the List of Endangered and Threatened Wildlife.

Anissa Craghead,

Acting Regulations and Policy Chief, Division of Policy, Economics, Risk Management, and Analytics, Joint Administrative Operations, U.S. Fish and Wildlife Service.

[FR Doc. 2021–13257 Filed 6–23–21; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[RTID 0648–XA797]

Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Amendment 18 to the Coastal Pelagic Species Fishery Management Plan

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

ACTION: Notification of agency decision.

SUMMARY: On June 14, 2021, the Regional Administrator of the West Coast Region, NMFS, with the concurrence of the Assistant Administrator for Fisheries, approved Amendment 18 to the Coastal Pelagic Species Fishery Management Plan. Amendment 18 implements a rebuilding plan for the northern subpopulation of Pacific sardine, which NMFS declared overfished in June 2019.

DATES: The amendment was approved on June 14, 2021.

ADDRESSES: Copies of the Coastal Pelagic Species (CPS) Fishery Management Plan (FMP) as amended through Amendment 18, are available at the Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384, or at this URL; <https://www.pccouncil.org/coastal-pelagic-species/fishery-management-plan-and-amendments/>. The final Environmental Assessment (EA) prepared pursuant to the National Environmental Policy Act (NEPA) for Amendment 18 is available on NMFS' website at <https://www.fisheries.noaa.gov/west-coast/laws-and-policies/west-coast-regional-national-environmental-policy-act-documents>.

FOR FURTHER INFORMATION CONTACT: Lynn Massey, Sustainable Fisheries Division, NMFS, at lynn.massey@noaa.gov or 562–436–2462; or Kerry

Griffin, Pacific Fishery Management Council, at kerry.griffin@noaa.gov or 503–820–2409.

SUPPLEMENTARY INFORMATION:

Amendment 18 expands Section 4.5 of the CPS FMP to include the rebuilding plan for Pacific sardine. There are no implementing regulations associated with Amendment 18, therefore NMFS did not promulgate proposed and final rules to implement this amendment.

NMFS published a Notice of Availability for Amendment 18 on March 16, 2021 (86 FR 14401), and solicited public comments through May 17, 2021. NMFS received five public comments in support of Amendment 18, one from a student and four from prominent fishing industry groups. The industry groups included the California Wetfish Producers Association, the West Coast Pelagic Conservation Group, the Sportfishing Association of California, and the West Coast Seafood Processors Association. NMFS received three public comments opposing Amendment 18, one from a private citizen and two from the environmental non-governmental organization Oceana. Oceana submitted two letters, one containing its public comment and the other containing a list of names that signed a petition campaigning against Amendment 18. NMFS summarizes and responds to the public comments below. NMFS responded to comments related to NEPA compliance in the final EA prepared for Amendment 18 (see **ADDRESSES**).

Comment 1: Oceana argues that by adopting the recommended management strategy for the rebuilding plan (Alternative 1 Status Quo Management) considered in the supporting EA for Amendment 18 (see **ADDRESSES**), NMFS is continuing failed policies that led to the overfished determination.

Response: This comment misunderstands the biology of Pacific sardine, the structure of the CPS FMP, and the extraordinary and precautionary measures that the Council has built into the framework for managing CPS. Pacific sardines are well known to experience dramatic swings in abundance in response to environmental conditions, even in the absence of fishing pressure. The recent population decline of Pacific sardine appears to be due to poor recruitment. Specifically, the Southwest Fisheries Science Center's (SWFSC) 2020 stock assessment states that recruitment has declined since 2005–2006 except for a brief period of modest recruitment success in 2009–2010, with the 2011–

2018 year-classes being among the weakest in recent history. Such declines in population are by no means unprecedented. The Pacific sardine has undergone large population fluctuations for centuries even in the absence of industrial fishing as evidenced by historical records of scale deposits. Although this decrease in biomass triggered the requirement to declare the stock overfished, overfishing has never occurred for this stock, as Pacific sardine catch has been well below both the acceptable biological catch (ABC) and the overfishing limit (OFL) in every year.

Most stocks managed under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) are managed with the goal of maintaining a fixed biomass level and use a constant exploitation rate to achieve that management goal. This is not the case for Pacific sardines, which as stated above, are well known to experience dramatic swings in abundance in response to environmental conditions and in the absence of fishing pressure. In addition, Pacific sardine are important forage species and play a critical role in the marine ecosystem. Accordingly, management for Pacific sardine does not rely on a fixed exploitation rate or a single set of management measures. Instead, the Council has crafted a management framework that does two critical things: (1) The harvest control rule incorporates the stock's current levels of productivity to adjust the exploitation rate based on whether the stock is experiencing high or low recruitment, and (2) implements stringent management measures as soon as the stock exhibits signs that it is entering a significant downswing in biomass. With respect to this latter element, the FMP takes the very precautionary step of mandating a closure of the primary directed fishery, when the stock reaches 150,000 metric tons (mt), a level three times higher than the overfished threshold. The primary directed fishery is the main driver of fishing mortality for Pacific sardines and its closure creates an automatic reduction in removals, even in the absence of changes to the annual catch limit (ACL). This FMP provision has kept the primary directed fishery closed since 2015 (7 years so far), which was 4 years before the stock was even declared overfished. In addition, when the stock reached its overfished level of 50,000 mt in 2019, the FMP automatically required a reduction on incidental catch limits of Pacific sardines in other CPS fisheries from 40

percent to 20 percent, which also has major impacts on fishing mortality. The FMP explicitly acknowledges that this framework could constitute a rebuilding plan without further adjustment. The Magnuson-Stevens Act provides Councils with 2 years to develop a rebuilding plan once a stock is declared overfished (a process which itself takes several months). Sometimes, if a Council fails to develop a rebuilding plan and NMFS must develop and implement its own plan, it can take more than 2 years to implement a plan. The Council took the extraordinary step to anticipate population fluctuations for this cyclical stock and not wait to respond to low productivity and decreasing stock size. Instead, the Council automatically implemented provisions that would be found in a rebuilding plan as soon as the stock passed certain biomass thresholds. This represents an extremely precautionary approach to management.

Comment 2: Oceana claimed that Amendment 18 violates the Magnuson-Stevens Act because the recommended management strategy for the rebuilding plan (Alternative 1 Status Quo Management) considered in the supporting EA for Amendment 18 (see ADDRESSES) does not provide at least a 50 percent probability of rebuilding the stock within the modeled rebuilding timeframe (through 2050). Relevant to this, Oceana also claims that NMFS did not use the best scientific information available for evaluating the effects Alternative 1 Status Quo Management in the EA. Furthermore, Oceana claims that NMFS mischaracterizes Alternative 1 Status Quo Management to achieve a particular conclusion.

Response: NMFS has determined that the information and analysis used to determine a rebuilding timeline based on status quo management is supported by the best scientific information available and that status quo management has not been mischaracterized for a specific outcome. To support their claim, Oceana highlights the results of the preliminary model run for Alternative 1 Status Quo Management provided in the SWFSC's Pacific Sardine Rebuilding Analysis (Appendix A of the EA), which had an output that the stock would not rebuild before 2050. However, NMFS does not rely on these initial modeling results because they do not realistically reflect the biological impacts that would result from management under Alternative 1 Status Quo Management. Instead, NMFS relied on several sources of information when selecting T_{target} (*i.e.*, the target rebuilding time frame). First, additional modeling results using a 2,200 mt

constant catch level predict that the stock has at least a 50 percent chance of rebuilding in 17 years, only one year later than the 16 years predicted under Alternative 3 (Five Percent Fixed U.S. Harvest Rate). Second, both rebuilding timelines under Alternative 1 and Alternative 3 are likely overestimated by the modeling results since both alternatives do not account for the fact that in recent years only a small portion of the already-small U.S. Pacific sardine landings are from the northern subpopulation of Pacific sardine (*i.e.*, the population managed under the CPS FMP), with a greater proportion coming from the southern subpopulation. Third, NMFS took into account the biology of the sardine stock and its changing productivity based on ocean conditions. In addition, Alternative 1 Status Quo management allows the stock to rebuild on a similar timeline as Alternative 3, but also prevents further economic harm to the fishing industry, which has already been declared a Federal disaster since 2015 when NMFS closed the primary directed fishery. NMFS believes that the stock has at least a 50 percent chance of rebuilding by the Council's recommended T_{target} of 14 years (reduced from the modeled 17 years for 2,200 mt constant catch to account for the fact that only a small portion of the 2,200 mt is from the northern subpopulation, discussed more further below).

When analyzing the effects of Alternative 1 Status Quo Management, NMFS relied on several sources of information to support its conclusion. These are not separate characterizations of the alternative, as the comment suggests. Instead, NMFS recognized that the model available was not capable of capturing all aspects of the Pacific sardine stock and that other sources of information should be used to evaluate the alternatives and select rebuilding criteria, including the additional model results for a constant catch of 2,200 mt (intended to represent expected average catch by fishery during the rebuilding period), the mixed stock composition of Pacific sardine landings, and the biology of the sardine stock and its changing productivity based on ocean conditions. The initial model run calculated rebuilding probabilities as though the full ABC is harvested, which has never been the case due the non-discretionary harvest restrictions already in place pursuant to the CPS FMP that purposefully restrict the fishery from catching the full ABC. These include the continued closure of the primary directed fishery (*i.e.*, the largest fishery that takes the majority of Pacific sardine

catch) and restrictions on incidental harvest of Pacific sardine in other CPS fisheries (which are currently less than half of typical incidental limits). Therefore, although NMFS is required to set an OFL and ABC every year for Pacific sardine, those reference points have not been the drivers for annual catch levels. Instead, removals of Pacific sardine are driven by the management measures required by the FMP and included in this rebuilding plan. Therefore the Council and NMFS determined that analyzing removals at the level of the ABC would be inaccurate and fail to realistically evaluate the effectiveness of the rebuilding plan management strategies and their effects on fishing communities. The results of the final model run (*i.e.*, 2,200 mt constant catch) that the Council and NMFS find more representative of Alternative 1 Status Quo Management projects that the stock has at least a 50 percent chance of rebuilding in 17 years, which is in between the Council's recommended T_{\min} of 12 years and T_{\max} of 24 years.

NMFS' determination that 14 years is the time period that is as short as possible while taking into account the factors set forth by the Magnuson-Stevens Act, including the biology of the stock and the needs of fishing communities, was further informed by the stock composition of the removals counted against the ACL and included in the 2,200-mt average. There are two stocks of Pacific sardine that can occur off the U.S. West Coast, known as the northern subpopulation and the southern subpopulation. The northern subpopulation is the dominate stock off the U.S. West Coast, is the stock managed in the CPS FMP, and is the stock that is overfished and will be managed under this rebuilding plan. The southern subpopulation usually resides off the coast of Mexico, however in the summer months it usually migrates north into waters off southern California. Although the southern subpopulation prefers warmer water than the northern subpopulation, meaning the two subpopulations generally inhabit different geographic ranges, they do typically mix in the summertime and it is impossible to distinguish between the subpopulations at the time of landing. Therefore, in an abundance of caution, NMFS counts all landed Pacific sardine against the ACL (which is set based on the biomass of the northern subpopulation only), regardless of which subpopulation they might belong to. Since the closure of the primary Pacific sardine fishery, the remaining small levels of catch of

Pacific sardine have occurred in the summertime when the southern subpopulation is mixing with the northern subpopulation in the Southern California Bight. Post-season reconstruction, for purposes of assigning landings in stock assessments, has demonstrated that in recent years, only 472 mt on average of the 2,200-mt average catch are assumed to be from northern subpopulation. The Council recognized, therefore, that the modeled 2,200 mt was significantly overestimating the impact of the fishery on the northern subpopulation and adjusted the T_{target} accordingly. NMFS notes that the rebuilding timeline under Alternative 3 is also likely overestimated for the same reasons, however this does not change the fact that the modeling shows Alternative 3 only rebuilding slightly faster than Alternative 1.

Comment 3: Oceana claims that harvest levels allowed under Alternative 1 Status Quo Management will not allow the stock to rebuild because the sea surface temperature index used to calculate the E_{MSY} parameter (*i.e.*, the exploitation rate at maximum sustainable yield) in the OFL harvest control rule causes the OFL, and hence other harvest specifications, to be inflated. Oceana supports this claim by citing recent Council documents and a 2019 scientific paper from NMFS' SWFSC that indicates that the Pacific Decadal Oscillation is a better predictor of sea surface temperature than the currently used 3-year average of California Cooperative Fisheries Investigation (CalCOFI) sea surface temperature measurements. Relevant to this, Oceana claims that NMFS should calculate E_{MSY} based on the mean E_{MSY} from recent stock assessments rather than the 3-year average of CalCOFI sea surface temperature measurements.

Response: Changing how E_{MSY} is calculated is outside the scope of this action, however NMFS would still like to provide a response to this comment. NMFS is aware of the scientific publications and ongoing Council discussions related to E_{MSY} , and is committed to participating in these ongoing discussions about new science and whether that new science justifies a change for how E_{MSY} is calculated for management purposes. Regarding recent Council discussion: The Council's Scientific and Statistical Committee (SSC), which is the scientific advisory body responsible for recommending changes to E_{MSY} , has the ability to recommend changes to E_{MSY} at any time. The Council's SSC has not done this since 2014 when they recommended that NMFS switch from

using the 3-year average of Scripps Institution of Oceanography sea surface temperature measurements to using the 3-year average of CalCOFI sea surface temperature measurements to inform E_{MSY} . During this time, NMFS used a static E_{MSY} of 18 percent that was produced by a management strategy evaluation. The implementation of Status Quo Management during the rebuilding period for Pacific sardine will not supersede the ability to change E_{MSY} if and when a recommendation from the Council is made. Regarding the recent 2019 paper from the SWFSC: Research regarding the appropriate temperature index to inform E_{MSY} is ongoing, and the SWFSC has not yet determined whether a change in how E_{MSY} is calculated is necessary for management purposes based on this publication. The best predictor of sea surface temperature will likely change with time as equilibrium ocean conditions shift with climate change. The recent 2019 paper highlights new sea surface temperature-sardine recruitment relationships, however it does not actually provide a new method to calculate E_{MSY} for management purposes. NMFS and the SWFSC will continue to collaborate on whether this new publication warrants a change in management. If a change is determined to be necessary, NMFS will promulgate a new action that will go through the proper Council process and will include public input during the Council process and during NMFS' subsequent rulemaking process.

Comment 3: Oceana stated that NMFS must base its analysis on a productivity scenario representing the best known long-term boom and bust dynamics of the sardine population. Oceana points out several shortcomings of the Rebuilder tool that was used to analyze rebuilding timelines under certain management alternatives, including the fact that it analyzes a limited range of years for recruitment scenarios.

Response: NMFS acknowledges and agrees that the boom and bust dynamics of Pacific sardines are critical to analyzing rebuilding for this stock. Consideration of this biological characteristic of the stock was an important part of NMFS' analysis. The Council analyzed two productivity scenarios for each management alternative. The model used data inputs from the 2020 benchmark stock assessment that covers the time period 2005–2020. The two modeled time periods, 2005–2018 and 2010–2018, were chosen to represent different levels of potential future productivity (*i.e.*, recruitment scenarios) for this stock. Each of these productivity scenarios was

also analyzed with two Mexican harvest scenarios including a fixed tonnage (6,044 mt) and a fixed rate (9.9 percent of Pacific sardine biomass). The Council's CPS Management Team chose to include only the modeling results for the 2005–2018 productivity scenario as part of its rationale for its recommendations because this time period represents a broader range of recruitment observed for this stock than the modeled subset of years 2010 to 2018, which include only years with low Pacific sardine productivity. The modeling results for 2010–2018 also provided a relatively low spawning stock biomass target (*i.e.*, the model's estimated rebuilding target under this productivity scenario) of only 38,122 mt, which is less than the overfished threshold of 50,000 mt in the CPS FMP. As a result, the CPS Management Team determined that the model results from the low productivity scenario do not adequately represent the fluctuating Pacific sardine population, and therefore relied on analysis of the model results for the moderate productivity scenario when developing management alternatives. The decision was also made to consider the modeling runs based on the fixed rate assumption for Mexico versus a fixed catch level on the presumption that it is reasonable to assume Mexican catch might go up and down based on stock size. Despite the model's limitations (discussed above in the response to Comment #2), it is the best model available to project Pacific sardine biomass forward in time, taking into account recruitment, fishing mortality, etc. and was an appropriate source of information for NMFS to rely on when reaching its decision. Furthermore, the Council's SSC endorsed the use of the model for this purpose.

However, NMFS acknowledges the limitations of the model and took that into account in reaching its decision by relying on other sources of information to inform its decision. When evaluating the Council's recommendation, NMFS took several other aspects into consideration, including the basic biology and life history of Pacific sardine estimates of its large population fluctuations over thousands of years, and the history of the Pacific sardine fishery on the west coast of North America. One of the primary drivers of Pacific sardine biology that the model cannot take into account is the wider-scale oceanographic conditions that drive Pacific sardine recruitment. There is no model that exists that can accurately predict when ocean conditions will ultimately allow for

more favorable Pacific sardine recruitment. NMFS understands these limitations and explained the caveats of the modeling results and analyzed them holistically with other non-model based considerations. NMFS notes that the shortcomings of the Rebuilder Tool and the SWFSC's resulting Pacific Sardine Rebuilding Analysis highlighted by Oceana apply to all of the alternatives analyzed.

Comment 4: Oceana claims that NMFS must establish a rebuilding biomass level target consistent with the long-term B_{MSY} (*i.e.*, the biomass at maximum sustainable yield) from previous management strategy evaluations. In addition to a 2014 management strategy evaluation, Oceana also cites a value from a 2012 SWFSC scientific paper for consideration of a B_{MSY} . Relevant to this, Oceana also claims that the proposed B_{MSY} of 150,000 mt age 1+ biomass in Amendment 18 is too low because below that threshold, the primary directed fishery for Pacific sardine is prohibited from operating.

Response: NMFS has determined that the established rebuilding target is supported by the best scientific information available and represents a level consistent with producing the maximum sustainable yield under prevailing environmental conditions. Because Pacific sardine biomass fluctuates drastically with prevailing oceanographic conditions, B_{MSY} also fluctuates with the stock's productivity. This is why so many values that could potentially be used for B_{MSY} exist in relevant literature, and also why the Council and NMFS have never explicitly defined a single B_{MSY} reference point for Pacific sardine. The two values that Oceana implies NMFS should consider using for B_{MSY} are based on older stock assessment data. In recommending a rebuilt level of 150,000 mt age 1+ biomass, the Council and NMFS used the most recent data from the 2020 Pacific sardine stock assessment which includes the recent decline in the population and recent low recruitments. The Council's SSC endorsed using the 2020 stock assessment and the model for this purpose.

Regarding Oceana's claim that 150,000 mt age 1+ biomass is too low because it represents a level where "the population is too low to support a commercial fishery," the comment misunderstands the structure of the CPS FMP and the precaution built into its framework. The Council chose a "CUTOFF" threshold at which it would automatically close the primary directed fishery not because the stock could not

support a fishery at that level, but in order to provide additional protections to the stock as biomass began decreasing in response to environmental conditions. This CUTOFF threshold is part of the optimum yield considerations built into the Pacific sardine harvest guideline control rule. A stock on an upward trend does not require the same safeguards. In addition, NMFS notes that the CUTOFF value is three times the overfished biomass level, demonstrating both how precautionary the automatic closure level is and that it represents the level at which the stock will produce maximum sustainable yield. Additionally, when developing a rebuilding plan it is important to consider the current environmental and/or reproductive conditions the stock is experiencing, which is why the model used to project rebuilding timelines used the most recent stock assessment. Although history and science have shown that the Pacific sardine population can recover quickly when conditions are favorable, as previously stated it is unknown when those conditions will change. If the modeling analysis to determine an appropriate rebuilt level or the rebuilding plan included high biomass levels and high recruitment levels witnessed in the past as suggested by Oceana, then the model could potentially over assume the level of catches that could occur for rebuilding.

Comment 5: Oceana claims that NMFS fails to use the best scientific information available on international catch levels in its consideration of Amendment 18. Specifically, Oceana claims that the Distribution parameter in the Pacific sardine harvest control is inconsistent with recent high catch levels by Mexico published in the 2020 Pacific sardine stock assessment.

Response: NMFS notes that changes to the management framework of Pacific sardine and to the Pacific sardine harvest control rules are set in the CPS FMP and are beyond the scope of this rulemaking. However, NMFS would like to respond to this comment.

The value for the Distribution parameter in the Pacific sardine harvest control rules has recently been reviewed. In 2015, a 3-day meeting was held that included agency and non-agency scientists to review the Distribution parameter. The results of this workshop were then presented to the Council and its advisory bodies, including the SSC. The Council subsequently concluded that there was no superior data to inform this parameter. Additionally, NMFS notes that the Distribution parameter in the

various Pacific sardine control rules is not a required element dictated by the Magnuson-Stevens Act or National Standard 1. Instead, it is an additional precautionary policy adopted and used by the Council to further reduce the harvest of Pacific sardine beyond what is required. Amendment 18 does not supersede the Council's ability to recommend a change to the Distribution parameter if and when they deem it necessary.

Comment 6: Oceana claims that NMFS has not, and therefore must analyze the effects of each alternative on essential fish habitat (EFH) for salmon, groundfish, and highly migratory species.

Response: NMFS notes that this action is a rebuilding plan intended only to continue limiting fishing mortality in order to allow the Pacific sardine population to rebuild. The closure of the primary directed fishery

is maintained through this action. There are no anticipated impacts to EFH that have not already been considered in prior EFH consultations on the Pacific sardine fishery, even when the primary directed fishery was open. Only the smaller sectors of the fishery with very limited take of Pacific sardine (*e.g.*, the live bait fishery) would occur under Amendment 18, as the primary directed fishery will remain closed until the stock reaches its rebuilding target.

Comment 7: Oceana claimed that NMFS has not adequately consulted on the potential effects from Amendment 18 on Endangered Species Act (ESA)-listed predators, and that NMFS must reinitiate an ESA consultation for this action.

Response: Oceana did not introduce any new scientific information that would require NMFS to reinitiate consultation under the ESA. Prior ESA consultations on the Pacific sardine

fishery concluded that there would be no significant impact to ESA-listed species, and those consultations analyzed effects when the primary directed fishery was open. Amendment 18 maintains the closure of the primary directed fishery and only allows a very limited amount of take for the remaining small sectors of the fishery. As it relates to this action, potential impacts to species listed under the ESA would be if this action somehow changed the type of gear used by the fishery, or the timing or location of fishing. This action does not do any of those things.

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

Dated: June 14, 2021.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 2021-13349 Filed 6-23-21; 8:45 am]

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Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA-2020-0893; Notice No. 25-21-02-SC]

Special Conditions: Pro Star Aviation LLC, Bombardier Model CL-600-2B16 Airplanes; Installation of an Infrared Laser Countermeasure System.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This action proposes special conditions for the Bombardier Model CL-600-2B16 (Bombardier) airplane. This airplane, as modified by Pro Star Aviation LLC (Pro Star Aviation), will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. This design feature is a system that emits infrared laser energy outside the aircraft as a countermeasure against heat-seeking missiles. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These proposed special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: Send comments on or before August 9, 2021.

ADDRESSES: Send comments identified by Docket No. FAA-2020-0893 using any of the following methods:

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

Confidential Business Information

Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this document contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this document, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as "PROPIN." The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this document. Send submissions containing CBI to the person indicated in the Contact section below. Comments that the FAA receives which are not specifically designated as CBI will be placed in the public docket for this rulemaking.

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 Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Eric Peterson, Safety Risk Management Section, AIR-633, Policy and Innovation Division, Aircraft Certification Service, Federal Aviation Administration, 2200 South 216th Street, Des Moines, Washington 98198; telephone and fax 206-231-3413; email Eric.M.Peterson@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include "Docket No. FAA-2020-0893" at the beginning of your comments. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data.

The FAA will consider all comments received by the closing date and may amend these special conditions because of those comments.

Background

On December 7, 2018, Pro Star Aviation applied for a supplemental type certificate to install a "Large Aircraft Infrared Countermeasure (LAIRCM)" system, which directs infrared laser energy toward heat-seeking missiles, on the Bombardier Model CL-600-2B16 airplane. This airplane, which is a derivative of the Bombardier Model CL-600 series airplanes currently approved under Type Certificate No. A21EA, is a twin-engine business jet with seating for 20 passengers and two crewmembers, and a maximum takeoff weight of 47,600 pounds.

Type Certification Basis

Under the provisions of title 14, Code of Federal Regulations (14 CFR 21.101), Pro Star Aviation must show that the Bombardier Model CL-600-2B16 airplane, as changed, continues to meet the applicable provisions of the regulations listed in Type Certificate No. A21EA, or the applicable regulations in effect on the date of application for the change, except for earlier amendments as agreed upon by the FAA.

If the Administrator finds that the applicable airworthiness regulations (e.g., 14 CFR part 25) do not contain adequate or appropriate safety standards for the Bombardier Model CL-600-2B16

airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the applicant apply for a supplemental type certificate to modify any other model included on the same type certificate to incorporate the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Bombardier Model CL-600-2B16 airplane must comply with the fuel-vent and exhaust-emission requirements of 14 CFR part 34, and the noise-certification requirements of 14 CFR part 36.

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type certification basis under § 21.101.

Novel or Unusual Design Features

The Bombardier Model CL-600-2B16 airplane, as modified by Pro Star Aviation, will incorporate the following novel or unusual design feature:

A system that emits infrared laser energy outside the aircraft.

Discussion

In recent years, in several incidents abroad, civilian aircraft were fired upon by man-portable air defense systems (MANPADS). This has led several companies to design and adapt systems like LAIRCM for installation on civilian aircraft, to protect those aircraft against heat-seeking missiles. Pro Star Aviation's LAIRCM system directs infrared laser energy toward an incoming missile, in an effort to interrupt the missile's tracking of the aircraft's heat.

Infrared laser energy can pose a hazard to persons on the aircraft, on the ground, and on other aircraft. The risk is heightened because infrared light is invisible to the human eye. Human exposure to infrared laser energy can result in eye and skin damage, and affect a flight crew's ability to control the aircraft. Infrared laser energy can also affect other aircraft, whether airborne or on the ground, and property, such as fuel trucks and airport equipment, in a manner that adversely affects aviation safety.

FAA design standards for transport category airplanes did not envisage that a design feature could project infrared laser energy outside the airplane. The FAA's design standards are inadequate to address this capability. Therefore,

this system is a novel or unusual design feature, and the FAA has developed these proposed special conditions to establish a level of safety equivalent to that of the regulations.

Special conditions are also warranted, per 14 CFR 21.16, because FAA design standards are inappropriate for this design feature. 14 CFR 25.1301 requires installed equipment to be of a design that is appropriate for its intended function. The FAA has no basis to determine whether this LAIRCM system will successfully perform its intended function of thwarting heat-seeking missiles.

The special conditions that the FAA proposes to address the installation of the LAIRCM system on this model of airplane are as follows.

Ground Activation. Condition 1 requires the design to have means to prevent inadvertent operation of the system while the airplane is on the ground, including during maintenance. These means must identify and address all foreseeable failure modes that may result in inadvertent operation. These modes include errors in airplane maintenance and operating procedures, such as erroneously setting the system to "air" mode while the airplane is on the ground. The applicant could show such failure modes, their risks, and how they will be addressed, by conducting safety assessments and incorporating prevention strategies into the design.

In-Flight Activation. Condition 2 requires that the system be designed so that in-flight operation does not result in damage to the airplane or to other aircraft, or injury to any person. To account for these effects, the applicant's analysis should include effects from the system's erroneous operation, from system failures, and from failures that may not be readily detectable prior to flight (*i.e.* latent failures). The applicant may address this condition through safety assessments and incorporation of prevention strategies into its design. The "operation" addressed by Condition 2 includes all operation of the system, whether intentional, inadvertent, or automatic.

Markings, instructions, and other information. Conditions 3, 4, and 5 are intended to protect certain categories of persons based upon their expected interaction with the system. These conditions require the design to supply certain safety information to these persons.

Condition 3 requires the design to provide pertinent laser-safety information to maintenance and service personnel at the location of the installation. At a minimum, such "pertinent" information will include

information about potential hazards to persons who are using optical magnification devices, such as magnifying glasses or binoculars. The warning information should be consistent with the laser's classification in 21 CFR parts 1000-1010.

Condition 4 requires the airplane instructions for continued airworthiness to contain the appropriate warnings related to the laser's classification. Like the warning information to be provided at the location of the laser system's installation, the purpose of this condition is to ensure any person maintaining the system is aware of the hazards, including those related to the use of magnifying glasses or binoculars.

Condition 5 requires the applicant to update the airplane operating limitations and information required under 14 CFR 25.1581. The airplane flight-manual supplement insert must describe the intended function of the LAIRCM system, its intended operation, and the phases of flight in which it may be used. The insert also must add a caution that describes the significant risk of injury the LAIRCM system poses to others while in proximity to other aircraft, airports, and populated areas.

These proposed special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

After considering public comment, should the FAA impose these special conditions on the applicant, and issue a supplemental type certificate for the installation of this system, such approvals would not constitute approval to operate the system. FAA Advisory Circular 70-1, Outdoor Laser Operations, provides guidance on obtaining operational approval.

Applicability

As discussed above, these special conditions are applicable to the Bombardier Model CL-600-2B16 airplane with the Pro Star Aviation LAIRCM system installed. Should Pro Star Aviation apply at a later date for a supplemental type certificate to modify any other model included on Type Certificate No. A21EA to incorporate the same novel or unusual design feature, these special conditions would apply to that model as well.

Conclusion

This action affects only a certain novel or unusual design feature on one model of airplane. It is not a rule of general applicability and affects only the applicant.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

Authority Citation

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40113, 44701, 44702, 44704.

The Proposed Special Conditions

Accordingly, the Federal Aviation Administration (FAA) proposes the following special conditions as part of the type certification basis for the Bombardier Model CL-600-2B16 airplane with the LAIRCM system, as modified by Pro Star Aviation.

1. The system must have means that prevent the inadvertent activation of the system on the ground, including during airplane maintenance and ground handling. Such means must address all foreseeable failure modes and operating and maintenance errors.

2. The system must be designed so that its operation in-flight does not result in damage to the airplane or other aircraft, or injury to any person. Operation of the system must not be capable of compromising continued safe flight and landing of other aircraft and the airplane on which it is installed, either by direct damage, laser-reflective damage, or through distraction or incapacitation of crew.

3. Laser-safety information for maintaining or servicing the airplane must be prominently placarded on the airplane or LAIRCM system at the location of the laser installation.

4. Instructions for continued airworthiness for installation, removal, and maintenance of the LAIRCM system must contain warnings appropriate to the laser classification concerning the hazards associated with exposure to laser radiation. This includes instructions regarding potential hazards to personnel who are using optical magnification devices such as magnifying glasses or binoculars.

5. The airplane flight manual supplement (AFMS) must describe the intended functions of the installed laser systems, to include identifying the intended operations and phases of flight. The AFMS must state, "CAUTION: The operation of the installed laser system could pose significant risk of injury to others while in proximity to other aircraft, airports, and populated areas."

Issued in Kansas City, Missouri, on June 14, 2021.

Patrick R. Mullen,

Manager, Technical Innovation Policy Branch, Policy and Innovation Division, Aircraft Certification Service.

[FR Doc. 2021-12833 Filed 6-23-21; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA-2021-0507; Project Identifier 2018-SW-117-AD]

RIN 2120-AA64

Airworthiness Directives; Leonardo S.p.a. Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Leonardo S.p.a. Model AB139 and Model AW139 helicopters. This proposed AD was prompted by a report that, during a post-flight inspection of an in-service helicopter, a tail rotor slider assembly was found fractured, and the bushing and the actuator rod in the tail rotor servo were partially damaged. This proposed AD would require an inspection of the tail rotor slider assembly for corrosion and signs of circumferential refinishing and, depending on the findings, replacement of the tail rotor slider assembly with a serviceable part or repetitive inspections of the of the tail rotor slider assembly for corrosion and signs of circumferential refinishing, as specified in a European Aviation Safety Agency (now European Union Aviation Safety Agency) (EASA) AD, which is proposed for incorporation by reference (IBR). The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by August 9, 2021.

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

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Follow the instructions for submitting comments.

- *Fax:* (202) 493-2251.

- *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For EASA material that is proposed for IBR in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email ADs@easa.europa.eu; internet www.easa.europa.eu. You may find this IBR material on the EASA website at <https://ad.easa.europa.eu>. You may view the EASA material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N-321, Fort Worth, TX 76177. For information on the availability of the EASA material at the FAA, call (817) 222-5110. The EASA material is also available at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0507.

Examining the AD Docket

You may examine the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0507; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the EASA AD, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Andrea Jimenez, Aerospace Engineer, COS Program Management Section, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 1600 Stewart Ave., Suite 410, Westbury, NY 11590; telephone (516) 228-7330; email andrea.jimenez@faa.gov.

SUPPLEMENTARY INFORMATION:**Comments Invited**

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include "Docket No. FAA-2021-0507; Project Identifier 2018-SW-117-AD" at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to <https://www.regulations.gov>.

www.regulations.gov, including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this NPRM.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as "PROPIN." The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Andrea Jimenez, Aerospace Engineer, COS Program Management Section, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 1600 Stewart Ave., Suite 410, Westbury, NY 11590; telephone (516) 228-7330; email andrea.jimenez@faa.gov. Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2018-0292, dated December 28, 2018 (EASA AD 2018-0292) to correct an unsafe condition for Leonardo S.p.A. (formerly Finmeccanica S.p.A, AgustaWestland S.p.A., Agusta S.p.A.; AgustaWestland Philadelphia Corporation, formerly Agusta Aerospace Corporation) Model AB139 and Model AW139 helicopters, all serial numbers. Although EASA AD 2018-0292 applies to all Model AB139 and Model AW139 helicopters, this proposed AD would apply to helicopters with an affected part installed instead.

This proposed AD was prompted by a report that, during a post-flight inspection of an in-service helicopter, a tail rotor slider assembly was found fractured, and the bushing and the actuator rod in the tail rotor servo were

partially damaged. The subsequent investigation revealed that the failure was due to fatigue, initiated from corroded areas (corrosion craters) on the surface of the tail rotor slider assembly characterized by signs of circumferential refinishing. The corrosion craters originated along finishing signs consistent with low grit sanding operations, which can remove the passivation corrosion protection from the tail rotor slider assembly. Sanding is a maintenance activity that is not included in the maintenance manual for Leonardo S.p.a. Model AB139 and AW139 helicopters and is not allowed on in-service helicopters. The FAA is proposing this AD to address corrosion in the tail rotor slider assembly caused by improper refinishing (characterized by signs of circumferential refinishing consistent with sanding). The unsafe condition, if not addressed, could result in fatigue cracks and fracture of the tail rotor slider assembly, resulting in failure of the tail rotor controls and consequent loss of yaw control of the helicopter. See EASA AD 2018-0292 for additional background information.

FAA's Determination and Requirements of This Proposed AD

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

Related Service Information Under 1 CFR Part 51

EASA AD 2018-0292 requires a detailed inspection of the tail rotor slide assembly for corrosion and signs of circumferential refinishing and, depending on the findings, applicable corrective actions. If there is any evidence of corrosion craters the corrective action is replacement of the affected part with a serviceable part. If there is any evidence of surface imperfections caused by circumferential refinishing but no evidence of corrosion, the corrective action is repetitive inspections of the tail rotor slide assembly for corrosion and signs of circumferential refinishing.

Replacement of an affected part with a serviceable part is terminating action for the repetitive inspections.

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

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in EASA AD 2018-0292, described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this proposed AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use certain civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, EASA AD 2018-0292 will be incorporated by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2018-0292 in its entirety, through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in EASA AD 2018-0292 does not mean that operators need comply only with that section. For example, where the AD requirement refers to "all required actions and compliance times," compliance with this AD requirement is not limited to the section titled "Required Action(s) and Compliance Time(s)" in EASA AD 2018-0292. Service information specified in EASA AD 2018-0292 that is required for compliance with it will be available at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0507 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 129 helicopters of U.S. Registry. The FAA estimates the following costs to comply with this proposed AD.

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	1 work-hour × \$85 per hour = \$85	\$0	\$85	\$10,965

The FAA estimates the following costs to do any necessary replacement that would be required based on the

results of the proposed inspection. The agency has no way of determining the

number of aircraft that might need this replacement:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replacement	Up to 10 work-hours × \$85 per hour = \$850	\$23,200	Up to \$24,050.
Inspection	1 work-hour × \$85 per hour = \$85 per inspection cycle	\$0	\$85 per inspection cycle.

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

Authority for This Rulemaking

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

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

Regulatory Findings

The FAA determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Leonardo S.p.a.: Docket No. FAA-2021-0507; Project Identifier 2018-SW-117-AD.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by August 9, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Leonardo S.p.a. Model AB139 and AW139 helicopters, certificated in any category, with an affected part as identified in European Aviation Safety Agency (now European Union Safety Agency) (EASA) AD 2018-0292, dated December 28, 2018 (EASA AD 2018-0292).

(d) Subject

Joint Aircraft Service Component (JASC) Code: 6400, Tail Rotor System.

(e) Unsafe Condition

This AD was prompted by a report that, during a post-flight inspection of an in-service helicopter, a tail rotor slider assembly was found fractured, and the bushing and the actuator rod in the tail rotor servo were partially damaged. The FAA is proposing this AD to address corrosion in the tail rotor slider assembly caused by improper refinishing (characterized by signs of circumferential refinishing consistent with sanding). The unsafe condition, if not addressed, could result in fatigue cracks and fracture of the tail rotor slider assembly, resulting in failure of the tail rotor controls and consequent loss of yaw control of the helicopter.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2018-0292.

(h) Exceptions to EASA AD 2018-0292

(1) Where EASA AD 2018-0292 refers to flight hours (FH), this AD requires using hours time-in-service.

(2) Where EASA AD 2018-0292 refers to its effective date, this AD requires using the effective date of this AD.

(3) Where EASA AD 2018-0292 refers to "Part I of the ASB," this AD requires using "Part I of section 3., Accomplishment Instructions of the ASB," and where EASA AD 2018-0292 refers to "Part II of the ASB," this AD requires using "Part II of section 3., Accomplishment Instructions of the ASB."

(4) Where the service information referred to in EASA AD 2018-0292 specifies to return certain parts, this AD does not include that requirement.

(5) Where the service information referred to in EASA AD 2018-0292 specifies to contact Leonardo S.p.a. "if in doubt" regarding if a tail rotor slider assembly needs

to be replaced based on evidence of corrosion craters, replacement of an affected slider assembly is required by this AD but contacting Leonardo S.p.a. is not required by this AD.

(6) The "Remarks" section of EASA AD 2018-0292 does not apply to this AD.

(i) No Reporting Requirement

Although the service information referenced in EASA AD 2018-0292 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Validation Branch, send it to the attention of the person identified in paragraph (k)(2) of this AD. Information may be emailed to: 9-AVS-AIR-730-AMOC@faa.gov.

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

(k) Related Information

(1) For EASA AD 2018-0292, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email ADs@easa.europa.eu; internet www.easa.europa.eu. You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N-321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222-5110. This material may be found in the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0507.

(2) For more information about this AD, contact Andrea Jimenez, Aerospace Engineer, COS Program Management Section, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 1600 Stewart Ave., Suite 410, Westbury, NY 11590; telephone (516) 228-7330; email andrea.jimenez@faa.gov.

Issued on June 16, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021-13130 Filed 6-23-21; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2020-0089; Project Identifier 2019-NM-159-AD]

RIN 2120-AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Proposed rule; withdrawal.

SUMMARY: The FAA is withdrawing a notice of proposed rulemaking (NPRM) that proposed to adopt a new airworthiness directive (AD). That NPRM would have applied to certain The Boeing Company Model 737-700, -800, and -900ER series airplanes. The NPRM was prompted by a report of unshimmed gaps at a certain frame inner chord. The NPRM would have required a general visual inspection for repairs of a certain frame inner chord, a detailed inspection for unshimmed gaps of the frame inner chord, and applicable on-condition actions. Since issuance of the NPRM, the FAA determined that the proposed AD is inadequate to address the unsafe condition. The FAA intends to propose new rulemaking to incorporate changes to the proposed requirements and add airplanes that are also subject to the unsafe condition. Accordingly, the NPRM is withdrawn.

DATES: The FAA is withdrawing the proposed rule published on February 4, 2020 (85 FR 6107), as of June 24, 2021.

ADDRESSES:

Examining the AD Docket

You may examine the AD docket on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2020-0089; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD action, any comments received, and other information. The street address for Docket Operations is U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Greg Rutar, Aerospace Engineer, Airframe Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206-231-3529; email: Greg.Rutar@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued an NPRM that proposed to amend 14 CFR part 39 by adding an AD that would apply to certain Boeing Model 737-700, -800, and -900ER series airplanes. The NPRM was published in the **Federal Register** on February 4, 2020 (85 FR 6107). The NPRM was prompted by a report of unshimmed gaps at a certain frame inner chord.

The NPRM proposed to require a general visual inspection for repairs of a certain frame inner chord, a detailed inspection for unshimmed gaps of the frame inner chord, and applicable on-condition actions. The proposed actions were intended to address gaps at a frame inner chord, which may initiate early cracking in fatigue critical baseline structure (FCBS) and result in the inability of a principal structural element (PSE) to sustain limit load and adversely affect the structural integrity of the airplane.

Actions Since the NPRM Was Issued

Since issuance of the NPRM, the FAA determined that the proposed actions are inadequate to address the unsafe condition. In addition to identifying missing shims, Boeing has found a wrong type of shims, shanked fasteners, fastener head gaps, and incorrect fastener hole sizes. The unsafe condition and location of the problem are the same as those described in the NPRM. The FAA has identified additional Model 737-700, -800, and -900ER airplanes as well as additional airplane models that are subject to the unsafe condition. The FAA has also determined that additional actions must be accomplished to address the unsafe condition on the affected airplanes. In light of these changes, the FAA intends to propose further rulemaking.

Withdrawal of the NPRM constitutes only such action. The withdrawal does not preclude the FAA from further rulemaking on this issue or commit the FAA to any course of action in the future.

Comments

The FAA received comments on the NPRM from four commenters, including Aviation Partners Boeing, Boeing, Delta Air Lines, and United Airlines. Although the FAA is withdrawing the NPRM because of new findings and not as a result of any of these comments, the following presents a brief discussion of the comments.

United Airlines concurred with the NPRM.

Aviation Partners Boeing and Delta Air Lines stated that the incorporation

of supplemental type certificate (STC) ST00830SE for installation of blended or split scimitar winglets does not affect compliance with the proposed actions, so a “change in product” alternative method of compliance (AMOC) would not be necessary. The FAA agrees with the commenters’ assertions, but because the FAA is withdrawing the NPRM, the request is no longer necessary.

Delta Air Lines noted that the service information recommended removing sealant squeeze-out that inhibits inserting the feeler gauge between the mating surfaces. The commenter was concerned that removing the sealant squeeze-out could damage the structure if a metallic tool is used. The FAA disagrees with the request; however, because the NPRM is being withdrawn, the commenter’s requested change is unnecessary.

Boeing requested several changes to the Discussion and Related Service Information Under 1 CFR part 51 sections and the description of the unsafe condition in the NPRM. The FAA disagrees with Boeing’s requested changes. However, because the NPRM is being withdrawn, the commenter’s requested changes are unnecessary.

FAA’s Conclusions

Upon further consideration, the FAA has determined that the NPRM does not adequately address the identified unsafe condition. Accordingly, the FAA is withdrawing the NPRM.

Regulatory Findings

Since this action only withdraws an NPRM, it is neither a proposed nor a final rule. This action therefore is not covered under Executive Order 12866, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

List of Subjects in 14 CFR Part 39

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

The Withdrawal

■ Accordingly, the notice of proposed rulemaking (Docket No. FAA 2020–0089), which was published in the **Federal Register** on February 4, 2020 (85 FR 6107), is withdrawn.

Issued on June 15, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–13133 Filed 6–23–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2020–0658]

RIN 1625–AA09

Drawbridge Operation Regulation; Indian Creek, Miami Beach, FL

AGENCY: Coast Guard, DHS.

ACTION: Notice of reopening comment period.

SUMMARY: The Coast Guard is reopening the comment period to solicit additional comments concerning its Notice of Proposed Rulemaking to change the drawbridge regulation governing the 63rd Street Bridge, across Indian Creek, mile 4.0, at Miami Beach, Florida. The Coast Guard received a request from the City of Miami Beach, Florida to reopen the comment period. This request was made to allow the City of Miami Beach and members of the public to comment as they were unaware of the initial notice and comment period.

DATES: Comments and related material must reach the Coast Guard on or before July 26, 2021.

ADDRESSES: You may submit comments identified by docket number USCG–2020–0658 using Federal eRulemaking Portal at <https://www.regulations.gov>.

See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call or email Mr. Omar Beceiro, U.S. Coast Guard Sector Miami Waterways Management; telephone 305–535–4317, email Omar.Beceiro@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose

On April 12, 2021, we published a notice of proposed rulemaking (NPRM) entitled, “Drawbridge Operation Regulation; Indian Creek, Miami Beach, FL” in the **Federal Register** (86 FR 18927). The original comment period closed on May 27, 2021. The NPRM proposed the initial change to the regulation governing the 63rd Street Bridge across Indian Creek, mile 4.0, at Miami Beach, Florida and contains useful background and analysis related to the initial proposed change. The public is encouraged to review the NPRM.

The City of Miami Beach requested the Coast Guard consider reopening the

comment period as the proposed regulation change impacts their residents and they misunderstood the regulatory process. Reopening the comment period will allow the City of Miami Beach to provide notification of the action to their residents. This action allows for a broader range of waterway and roadway users the comment on the proposed rule.

This notice reopening the comment period ensures notice and opportunity to comment before making the proposed changes final.

This notice is issued under authority of 33 U.S.C. 1223 and 5 U.S.C. 552.

II. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at <https://www.regulations.gov>. If your material cannot be submitted using <https://www.regulations.gov>, contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

We accept anonymous comments. All comments received 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 in response to this document, see DHS’s eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

Documents mentioned in the NPRM as being available in this docket and all public comments, will be 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 of any posting or updates to the docket.

Dated: June 15, 2021.

Randall D. Overton,

Director, Bridge Administration, Seventh Coast Guard District.

[FR Doc. 2021–13405 Filed 6–23–21; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R02-OAR-2020-0613; FRL-10024-96 Region 2]

Approval and Promulgation of Implementation Plans; New Jersey and New York; 1997 Ozone Attainment Demonstrations for the NY-NJ-CT Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve revisions to the ozone attainment portions of the State Implementation Plan (SIP) submitted by the states of New Jersey and New York to meet the Clean Air Act (CAA) requirements for attaining the 1997 8-hour ozone national ambient air quality standard (NAAQS). Specifically, the EPA is proposing to approve New Jersey's and New York's demonstrations of attainment of the 1997 8-hour ozone NAAQS for their portions of the New York-Northern New Jersey-Long Island NY-NJ-CT Moderate 1997 8-hour ozone nonattainment area (hereafter, the NY-NJ-CT area or the NY-NJ-CT nonattainment area). This action is being taken under the Clean Air Act.

DATES: Written comments must be received on or before July 26, 2021.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA-R02-OAR-2020-0613 at <http://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>.

FOR FURTHER INFORMATION CONTACT:

Omar Hammad, Environmental Protection Agency, 290 Broadway, New York, New York 10007-1866, at (212) 637-3347, or by email at Hammad.Omar@epa.gov.

SUPPLEMENTARY INFORMATION:

- I. What action is the EPA proposing?
- II. What is the background for this proposed rulemaking?
 - A. History of NY-NJ-CT Nonattainment Area
 - B. Moderate Nonattainment Area and Anti-Backsliding Requirements
- III. What is the EPA proposing to approve?
- IV. What is the EPA's basis for proposing to approve the 1997 attainment demonstration analysis?
 - A. Air Quality Data and Attainment Determinations
 - B. Components of the Modeled Attainment Demonstrations
 - C. The EPA's Evaluation
- V. Proposed Action
- VI. Statutory and Executive Order Reviews

I. What action is the EPA proposing?

A. History of NY-NJ-CT Nonattainment Area

The Environmental Protection Agency (EPA) is proposing to approve the ozone attainment demonstration portions of the comprehensive State Implementation Plan (SIP) revisions submitted by New Jersey and New York to meet Clean Air Act requirements for attaining the 1997 84 parts per billion (ppb) 8-hour ozone National Ambient Air Quality Standards (NAAQS). New Jersey submitted its SIP revision to the EPA on January 2, 2018¹ and New York submitted its SIP revision to the EPA on November 13, 2017.² New Jersey and New York previously submitted attainment demonstrations for the 1997 84 ppb 8-hour ozone standard which were approved by the EPA. 78 FR 9596 (February 11, 2013). On June 18, 2012, the EPA issued a Clean Data Determination (CDD) for the 1997 84 ppb 8-hour ozone standard for the NY-NJ-CT area based on the attainment demonstrations submitted by the two States. 77 FR 36163 (March 26, 2012). However, on May 4, 2016, EPA rescinded the CDD since EPA determined that areas within the NY-NJ-CT area exceeded the 1997 84 ppb standard based on 2010-2012 monitoring data. 81 FR 26697 (May 4, 2016). EPA simultaneously issued a SIP Call for the affected states within the nonattainment area to address the 1997 84 ppb 8-hour ozone standard. The SIP revisions submitted by New Jersey and

New York address the attainment demonstration requirements of the May 4, 2016 SIP Call. The EPA's review of this material indicates that ambient air quality monitors within the NY-NJ-CT area are attaining the 1997 ozone NAAQS.

II. What is the background for this proposed rulemaking?

In 1997, the EPA revised the health-based NAAQS for ozone, setting it at 84 ppb (parts per billion) averaged over an 8-hour time frame. The EPA set the 8-hour ozone standard based on scientific evidence demonstrating that ozone causes adverse health effects at lower ozone concentrations, over longer periods of time, than the former 1-hour ozone standard. The EPA determined that the 8-hour standard would be more protective of human health, especially with regard to children and adults who are active outdoors, and individuals with a pre-existing respiratory disease, such as asthma.

On April 30, 2004 (69 FR 23858), the EPA finalized its attainment/nonattainment designations for areas across the country with respect to the 1997 8-hour ozone standard of 84 ppb. These actions became effective on June 15, 2004. Among those nonattainment areas was the NY-NJ-CT area. The NY-NJ-CT nonattainment area is composed of: Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union, and Warren Counties in New Jersey; Bronx, Kings, Nassau, New York, Queens, Richmond, Rockland, Suffolk, and Westchester Counties in New York; and Fairfield, Middlesex, and New Haven Counties in Connecticut.

On April 30, 2004 (69 FR 23951), the EPA also promulgated the Phase 1 8-hour ozone implementation rule which provided details about the classification of areas designated nonattainment for the 1997 8-hour ozone standard. The designations triggered the CAA requirements under section 182(b) for Moderate nonattainment areas, including a requirement to submit an attainment demonstration. The EPA's Phase 2 8-hour ozone implementation rule (Phase 2 rule), published on November 29, 2005 (70 FR 71612), specifies that states must submit attainment demonstrations for their nonattainment areas to the EPA by no later than three years from the effective date of designation, that is June 15, 2007. *See* 40 CFR 51.908(a). Subsequently, New Jersey and New York submitted the associated SIP revisions to present their respective plans to attain the 1997 84 ppb 8-hour ozone standard for the NY-NJ-CT

¹ Submittal letter dated December 22, 2017 and received by the EPA January 2, 2018.

² Submittal letter dated November 10, 2017 and received by the EPA November 13, 2017.

nonattainment area. New Jersey submitted a SIP detailing plans to attain the 1997 standard on October 29, 2007, while New York submitted their SIP on February 8, 2008. EPA approved both SIPs on February 11, 2013. 78 FR 9596 (February 11, 2013).

On March 12, 2008 (73 FR 16436), the EPA revised the ozone NAAQS to a level of 75 ppb to further increase the protection of public health and the environment. State and Federal emission reduction efforts adopted to meet the 1997 8-hour ozone standard continued with the implementation of the 2008 ozone NAAQS. On May 21, 2012 (77 FR 30088), the EPA designated the NY-NJ-CT as a “Marginal” ozone nonattainment area for the 2008 ozone NAAQS. See 40 CFR 81.307, 81.331, and 81.333. As a result of its “Marginal” classification, the area was required to attain the 2008 ozone standard by July 20, 2015 but was not required to submit an attainment demonstration for the 2008 ozone standard. 42 U.S.C 7511a(a). On May 4, 2016, the EPA determined that the NY-NJ-CT nonattainment area failed to attain by the attainment date, resulting in the area to be reclassified from a “Marginal” to a “Moderate” nonattainment area. 81 FR 26697 (May 4, 2016). State attainment plans for the 2008 “Moderate” ozone NAAQS nonattainment areas were due by January 1, 2017. 81 FR 26697 (May 4, 2016). Furthermore, the EPA once again revised the ozone NAAQS in 2015, setting both levels of the primary and secondary NAAQS at 70 ppb. 80 FR 65292 (October 26, 2015). The NY-NJ-CT area was designated by the EPA as a “Moderate” nonattainment area for the 2015 ozone NAAQS. 83 FR 25776 (June 4, 2018).

On June 18, 2012, the EPA issued a CDD for the NY-NJ-CT area with respect to the 1997 8-hour ozone NAAQS and determined that the area attained the 1997 standard by the June 15, 2010 attainment deadline. 77 FR 36163 (June 18, 2012). The purpose of the CDD was to suspend the involved states’ obligations to submit attainment-related planning requirements, including the obligation to submit attainment demonstrations, reasonably available control measures (RACT), reasonable further progress (RFP) plans, and contingency measures with respect to the 1997 8-hour ozone standard. On May 15, 2014 (79 FR 27830), the EPA proposed to rescind the CDD for the area based on the 2010–2012 monitoring data showing the area was no longer attaining the 1997 8-hour ozone standard, and the EPA proposed a SIP Call for submittal of a new ozone attainment demonstration for the NY-

NJ-CT area for the 1997 ozone NAAQS. As an alternative to submitting a new attainment demonstration for the 1997 ozone NAAQS, the EPA proposed to affected states to respond to the SIP Call by voluntarily requesting they be reclassified to “Moderate” for the 2008 ozone standard, therefore the states would prepare SIP revisions demonstrating how they would attain the more stringent 2008 standard. However, the NY-NJ-CT area failed to attain the 2008 ozone NAAQS by the applicable attainment date of July 20, 2015. (80 FR 51992 August 27, 2015). By the operation of law, the NY-NJ-CT area was reclassified to “Moderate” nonattainment for the 2008 ozone standard. This effectively eliminated the need for the three states involved to voluntarily request reclassification. The NY-NJ-CT area submitted Moderate nonattainment plans for the more stringent 2008 ozone standard, satisfying the final SIP Call for the 1997 ozone standard, since an approvable plan would demonstrate attainment of a more stringent NAAQS. 81 FR 26687 (May 4, 2016). Both New Jersey and New York submitted combined attainment demonstrations for the 1997 and 2008 ozone standards for their portions of the NY-NJ-CT area. New Jersey submitted its SIP revision to the EPA on January 2, 2018 and New York submitted its SIP revision to the EPA on November 13, 2017. Connecticut submitted comprehensive revisions to its SIP for the 8-hour ozone NAAQS on August 8, 2017 and the EPA approved the 1997 8-hour ozone NAAQS attainment demonstration revision in that submittal. (83 FR 39890 August 13, 2018).

B. Moderate Nonattainment Area and Anti-Backsliding Requirements

The EPA’s November 29, 2005 Phase 2 ozone implementation rule addresses, among other things, the control obligations that apply to areas designated nonattainment for the 1997 8-hour ozone NAAQS. The Phase 1 and Phase 2 ozone implementation rules outline the SIP requirements and deadlines for various requirements in areas designated as Moderate nonattainment. For such areas, modeling and attainment demonstrations with projection year emission inventories were due by June 15, 2007, along with RFP plans, RACT, motor vehicle emissions budgets and contingency measures (40 CFR 51.908(a) and (c), 51.910, 51.912). In addition, Moderate nonattainment areas were also required to submit a reasonably available control technology (RACT) SIP. New Jersey and New York

previously submitted attainment demonstrations to present plans to attain the 1997 84 ppb 8-hour ozone standard and were approved by the EPA. 78 FR 9596 (February 11, 2013). On June 18, 2012, the EPA issued a Clean Data Determination (CDD) for the 1997 84 ppb 8-hour ozone standard for the NY-NJ-CT Nonattainment area. 77 FR 17341 (March 26, 2012). However, on May 4, 2016, EPA rescinded the CDD since EPA determined that areas within the NY-NJ-CT Nonattainment area exceeded the 1997 84 ppb standard based on 2010–2012 monitoring data. 81 FR 26697 (May 4, 2016). EPA simultaneously issued a SIP Call for the affected states within the nonattainment area to address the 1997 84 ppb 8-hour ozone standard. The SIP revisions submitted by New Jersey and New York address the requirements of the May 4, 2016 SIP Call. The EPA’s review of this material indicates that ambient air quality monitors within the NY-NJ-CT Nonattainment area are attaining the 1997 ozone NAAQS.

In the 2008 ozone NAAQS SIP Requirements rule, the EPA revoked the 1997 ozone NAAQS for all purposes and established anti-backsliding requirements for that NAAQS, which include submittal of an attainment demonstration. See 80 FR 12296 (March 6, 2015).³ The EPA retained a listing of the designated areas for the revoked 1997 NAAQS in 40 CFR part 81, for identifying anti-backsliding requirements that may apply to those areas. Accordingly, in an area designated nonattainment for the 2008 ozone NAAQS and nonattainment for the 1997 ozone NAAQS, as is the case with the NY-NJ-CT nonattainment area, New Jersey and New York were obligated to implement the applicable requirements set forth in 40 CFR 51.1100(o), including the requirement to submit an attainment demonstration.

III. What is the EPA proposing to approve?

New Jersey submitted a SIP revision to the EPA on January 2, 2018 and New York submitted a SIP revision to the EPA on November 13, 2017, these submittals addressed, among other things, the ozone attainment demonstrations for the revoked 1997 8-hour ozone standard for their respective

³In *South Coast Air Quality Management District v. EPA*, the D.C. Circuit vacated a number of provisions in the 2008 Ozone SIP Requirements Rule, but that decision did not affect the rule’s anti-backsliding requirement to submit an attainment demonstration for the 1997 ozone NAAQS. *South Coast Air Quality Management District v. EPA*, No. 15–1115 (D.C. Cir. February 16, 2018).

portions of the NY-NJ-CT area satisfying the May 4, 2016 SIP call.

This proposed action addresses New Jersey's demonstration of attainment of the 1997 8-hour ozone standard for the New Jersey portion of the NY-NJ-CT area, submitted on January 2, 2018 and New York's demonstration of attainment of the 1997 8-hour ozone standard for the New York portion of the NY-NJ-CT area, submitted on November 13, 2017.⁴

IV. What is the EPA's basis for proposing to approve the 1997 attainment demonstration analysis?

A. Air Quality Data and Attainment Determinations

Under the regulations at 40 CFR part 50, the 1997 ozone NAAQS is attained at a monitoring site when the three-year average of the annual fourth highest daily maximum 8-hour average ambient air quality ozone concentration is less than or equal to 0.08 ppm. This three-year average is referred to as the design value. When the design value is less than or equal to 0.08 ppm at each ambient air quality monitoring site within a nonattainment area, then the area is deemed to be meeting the 1997 standard. According to 40 CFR part 50, Appendix I, the number of significant figures in the level of the standard dictates the rounding convention for comparing the computed 3-year average annual fourth-highest daily maximum 8-hour average ozone concentration with the level of the standard. The third decimal place of the computed value is rounded, with values equal to or greater than 5 rounding up. Thus, a computed 3-year average ozone concentration of 0.085 ppm is the lowest value that is greater than 0.08 ppm.

The EPA has reviewed the 8-hour ozone ambient air quality monitoring data for the 2014–2016 monitoring period for the NY-NJ-CT area, referenced in New Jersey's and New York's submittals, as recorded in the EPA's Air Quality System (AQS) database. Air quality monitoring data from each year for 2014–2016 has been certified by Connecticut, New Jersey and New York in accordance with 40 CFR 58.15, and AQS reflects this. Based on that review, the EPA has concluded that the NY-NJ-CT area has a 2014–2016 design value of 0.083 ppm⁵ and is in

attainment for the 1997 ozone NAAQS. Certified data for 2017, 2018 and 2019 in the NY-NJ-CT area and the subsequent design values for 2015–2017, 2016–2018 and 2017–2019 are consistent with continued attainment.⁶ The EPA has a continuing obligation to review the air quality data each year to determine whether areas are meeting the NAAQS and will continue to conduct that review in the future after data is complete, quality-assured, certified and submitted to the EPA.

As previously discussed, the EPA rescinded the CDD on May 4, 2016 based on the fact that the area was no longer attaining the standard, and issued a SIP Call for a new attainment demonstration for the 1997 8-hour ozone NAAQS for the NY-NJ-CT area. The EPA determined that the submission of a Moderate nonattainment area attainment plan for the more stringent 2008 ozone NAAQS would satisfy the SIP Call for the NY-NJ-CT area in relation to the 1997 ozone standard. Both New Jersey and New York submitted a combined attainment demonstration analysis for the 1997 and 2008 8-hour ozone NAAQS.

B. Components of the Modeled Attainment Demonstrations

Section 110(a)(2)(k) of the Act requires states to prepare air quality modeling to demonstrate how they will meet ambient air quality standards. The SIP must demonstrate that the "measures, rules, and regulations contained in it are adequate to provide for the timely attainment and maintenance of the national standard." See 40 CFR 51.112(a). The EPA determined that states must use photochemical grid modeling, or any other analytical method determined by the Administrator to be at least as effective, to demonstrate attainment of the ozone health-based standard in areas classified as "Moderate" or above, and to do so by the required attainment date. See 40 CFR 51.908(c). The EPA requires an attainment demonstration using air quality modeling that meets the EPA's guidelines. The model analysis can be supplemented by a "weight of evidence" analysis in which the state can use a variety of information to enhance the conclusions reached by the photochemical model analysis. In the

case of New Jersey's and New York's submittals for their portions of the NY-NJ-CT area, the weight of evidence also included monitoring evidence that the area design value is attaining the 1997 standard. The EPA has determined that the photochemical grid modeling conducted by the States is consistent with the EPA's guidelines and the model performed acceptably. See 40 CFR 51.908(c).

C. The EPA's Evaluation

In their attainment demonstrations, New Jersey and New York included results from the Ozone Transport Commission's (OTC's) SIP air quality modeling.⁷ The model used by the OTC was the Community Multi-scale Air Quality Model version 5.0.2 (CMAQ). This model is a photochemical grid model capable of simulating ozone production on a regional or national scale. The OTC CMAQ model projected 2015–2017 design value results indicating that all air quality monitors in the NY-NJ-CT nonattainment area will attain the 1997 ozone NAAQS in 2017.

In summary, the photochemical grid modeling used by New Jersey and New York in their SIP submittals to demonstrate attainment of the 1997 ozone NAAQS meets the EPA's guidelines and is acceptable to the EPA. Air quality monitoring data for 2014–2016 also demonstrates attainment of the 1997 8-hour ozone standard throughout the NY-NJ-CT area, as have the subsequent design values for 2015–2017, 2016–2018 and 2017–2019.⁸ The purpose of the attainment demonstration is to demonstrate how, through enforceable and approvable emission reductions, an area will meet the standard by the attainment date. New York and New Jersey have already adopted, submitted, approved and implemented all necessary ozone control measures necessary for attainment of the 1997 ozone NAAQS. Based on: (1) The States following the EPA's modeling guidance, (2) the modeled attainment of 1997 standard, (3) the air quality monitoring data for 2014–2016, 2015–2017, 2016–2018, 2017–2019, and (4) the implemented SIP-approved control measures, the EPA is proposing to approve the attainment demonstration analyses for the 1997

⁴ The EPA is not acting on any other portion of the submittals in this proposed action.

⁵ The regulations at 40 CFR part 50, Appendix I specify that the design value shall be based on three consecutive, complete calendar years of air quality monitoring data. This requirement is met for the three-year period at a monitoring site if daily maximum 8-hour average concentrations are available for at least 90%, on average, of the days during the designated ozone monitoring season,

with a minimum data completeness in any one year of at least 75% of the designated sampling days. These thresholds have been met for the ambient air quality monitoring data reviewed by EPA.

⁶ The design values are available on the EPA's website at: www.epa.gov/air-trends/air-quality-design-values#report. The 2015–2017 DV is 0.083 ppm, the 2016–2018 DV is 0.082 ppm and the 2017–2019 DV is 0.082 ppm.

⁷ The OTC modeling results are available in the "Technical Support Document for the 2011 Ozone Transport Commission/Mid-Atlantic Northeastern Visibility Union Modeling Platform", November 15, 2016 in the docket for this action.

⁸ The design values are available on the EPA's website at: www.epa.gov/air-trends/air-quality-design-values#report. The 2015–2017 DV is 0.083 ppm, the 2016–2018 DV is 0.082 ppm and the 2017–2019 DV is 0.082 ppm.

ozone NAAQS for the New Jersey and New York portion of the NY-NJ-CT area. The EPA is not taking action on the other elements of the State submittals.

V. Proposed Action

The EPA has evaluated the information provided by New Jersey and New York and has considered all other information it deems relevant to a demonstration of attainment of the 1997 8-hour ozone standard and the continued attainment of the 1997 8-hour ozone standard based on the modeling, the quality assured and certified monitoring data, and the implementation of the more stringent 2008 8-hour ozone standard. The EPA is therefore proposing to approve New Jersey's and New York's attainment demonstrations for the states' respective portions of the NY-NJ-CT area for the 1997 ozone NAAQS. This proposed rulemaking is intended to address the EPA's obligations to act on the 1997 8-hour standard attainment demonstration portions of the New Jersey January 2, 2018 submittal and the New York November 13, 2017 submittal addressing the NY-NJ-CT nonattainment area.

The EPA is soliciting public comments on the issues discussed in this proposal. Any timely comment submitted will be considered before the EPA takes final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments as discussed in the **ADDRESSES** section of this rulemaking.

VI. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely proposes to approve state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a

substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this proposed rulemaking action, pertaining to New York's and New Jersey's 1997 8-hour ozone attainment demonstration submissions is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen Dioxide, Intergovernmental Relations, Ozone, Reporting and recordkeeping requirements, Particulate matter, Volatile Organic Compounds.

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

Dated: June 8, 2021.

Walter Mugdan,

Acting Regional Administrator, Region 2.
[FR Doc. 2021-13401 Filed 6-23-21; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Parts 412, 413, 425, 455, and 495

[CMS-1752-CN]

RIN 0938-AU44

Medicare Program; Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals and the Long-Term Care Hospital Prospective Payment System and Proposed Policy Changes and Fiscal Year 2022 Rates; Quality Programs and Medicare Promoting Interoperability Program Requirements for Eligible Hospitals and Critical Access Hospitals; Proposed Changes to Medicaid Provider Enrollment; and Proposed Changes to the Medicare Shared Savings Program; Correction

AGENCY: Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services (HHS).

ACTION: Proposed rule; correction.

SUMMARY: This document corrects technical and typographical errors in the proposed rule that appeared in the May 10, 2021 **Federal Register** titled "Medicare Program; Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals and the Long Term Care Hospital Prospective Payment System and Proposed Policy Changes and Fiscal Year 2022 Rates; Quality Programs and Medicare Promoting Interoperability Program Requirements for Eligible Hospitals and Critical Access Hospitals; Proposed Changes to Medicaid Provider Enrollment; and Proposed Changes to the Medicare Shared Savings Program."

DATES: June 24, 2021.

FOR FURTHER INFORMATION CONTACT:

Katrina Hoadley, katrina.hoadley@cms.hhs.gov, Hospital Inpatient Quality Reporting Program.

Julia Venanzi, julia.venanzi@cms.hhs.gov, Hospital Inpatient Quality Reporting and Hospital Value-Based Purchasing Programs—Administration Issues.

SUPPLEMENTARY INFORMATION:

I. Background

In FR Doc. 2021-08888 of May 10, 2021 (86 FR 25070), there were a number of technical and typographical errors that are identified and corrected in this correcting document.

II. Summary of Errors

On pages, 25473, 25475, 25484, and 25588 we made typographical and technical errors in footnotes and references to statutory citations and other sections of the proposed rule.

On page 25471, in our discussion of the Hospital Value-based Purchasing (VBP) Program, we made errors in numbering the list of proposed Measure Suppression Factors.

On pages 25489, 25491, and 25492, in our discussion of the Hospital VBP Program, we made errors in the achievement thresholds and benchmarks for the clinical outcomes domain performance standards that appear in the three tables.

III. Correction of Errors

In FR Doc. 2021-08888 of May 10, 2021 (86 FR 25070), make the following corrections:

- 1. On page 25471, second column,
 - a. First partial paragraph, lines 6 and 7, the sentence “The proposed Measure Suppression Factors are:” is corrected to read “The proposed measure suppression factors are as follows:”.
 - b. First through fifth full paragraphs, beginning with the phrase “5.

Significant deviation” and ending with the phrase “(iii) patient case volumes or facility-level case mix.” are corrected to read as

“• Significant deviation in national performance on the measure during the PHE for COVID-19, which could be significantly better or significantly worse compared to historical performance during the immediately preceding program years.

• Clinical proximity of the measure’s focus to the relevant disease, pathogen, or health impacts of the PHE for COVID-19.

• Rapid or unprecedented changes in—

++ Clinical guidelines, care delivery or practice, treatments, drugs, or related protocols, or equipment or diagnostic tools or materials; or

++ The generally accepted scientific understanding of the nature or biological pathway of the disease or pathogen, particularly for a novel disease or pathogen of unknown origin.

• Significant national shortages or rapid or unprecedented changes in—

++ Healthcare personnel;

++ Medical supplies, equipment, or diagnostic tools or materials; or

++ Patient case volumes or facility-level case mix.”

■ 2. On page 25473, third column, first full paragraph, line 2, the phrase “section XX.H.1”, is corrected to read “section V.H.1.”

■ 3. On page 25475, third column, following the last paragraph, the column is corrected by adding footnote text (footnote 957) to read as follows:

“⁹⁵⁷ Zheng, Jun. SARS-CoV-2: an Emerging Coronavirus that Causes a Global Threat. *Int J Biol Sci.* 2020; 16(10): 1678–1685. Published online 2020 Mar 15. doi: 10.7150/ijbs.45053.”

■ 4. On page 25484, lower two-thirds of the page, the table titled Table V.H.–6: Previously Adopted Baseline and Performance Periods for the FY 2023 Program Year, the last table note, first line, the reference “section XX.X.3.c.” is corrected to read “section V.H.3.c.”.

■ 5. On page 25489, middle of the page, the table titled “Table V.H–11: Previously Established and Estimated Performance Standards for the FY 2024 Program Year”, the entries for the clinical outcomes domain’s achievement thresholds and benchmarks are corrected to read as follows:

TABLE V.H–11—PREVIOUSLY ESTABLISHED AND ESTIMATED PERFORMANCE STANDARDS FOR THE FY 2024 PROGRAM YEAR

Measure short name	Achievement threshold	Benchmark
Clinical Outcomes Domain		
MORT–30–AMI #	0.869247	0.887868
MORT–30–HF #	0.882308	0.907733
MORT–30–PN (updated cohort) #	0.840281	0.872976
MORT–30–COPD #	0.916491	0.934002
MORT–30–CABG #	0.969499	0.980319
COMP–HIP–KNEE * #	0.025396	0.018159

• Per our proposal in section V.H.4.b. of the preamble of this proposed rule, the performance standards displayed in this table for the Safety domain measures were calculated using CY 2019 data.

* Lower values represent better performance.

Previously established performance standards.

■ 6. On page 25491, top half of the page, the table titled “Table V.H–13: Previously Established Performance

Standards for the FY 2025 Program Year”, the entries for the clinical outcomes domain’s achievement

thresholds and benchmarks are corrected to read as follows:

TABLE V.H–13—PREVIOUSLY ESTABLISHED PERFORMANCE STANDARDS FOR THE FY 2025 PROGRAM YEAR

Measure short name	Achievement threshold	Benchmark
Clinical Outcomes Domain		
MORT–30–AMI	0.872624	0.889994
MORT–30–HF	0.883990	0.910344
MORT–30–PN (updated cohort)	0.841475	0.874425
MORT–30–COPD	0.915127	0.932236
MORT–30–CABG	0.970100	0.979775
COMP–HIP–KNEE *	0.025332	0.017946

* Lower values represent better performance.

- 7. On page 25492, top half of the page, the table titled “Table V.H–14: Previously Established Performance Standards for the FY 2026 Program Year”, the entries for the clinical outcomes domain’s achievement thresholds and benchmarks are corrected to read as follows:

TABLE V.H–14—PREVIOUSLY ESTABLISHED PERFORMANCE STANDARDS FOR THE FY 2026 PROGRAM YEAR

Measure short name	Achievement threshold	Benchmark
Clinical Outcomes Domain		
MORT–30–AMI	0.874426	0.890687
MORT–30–HF	0.885949	0.912874
MORT–30–PN (updated cohort)	0.843369	0.877097
MORT–30–COPD	0.914691	0.932157
MORT–30–CABG	0.970568	0.980473
COMP–HIP–KNEE *	0.024019	0.016873

* Lower values represent better performance.

- 8. On page 25588, second column, footnote paragraph (footnote 1232), lines 3 through 5, the phrase “2018: <https://www.arthritis.org/Documents/Sections/About-Arthritis/arthritis-facts-stats-figures.pdf>. Accessed March 8, 2019.” is corrected to read “2019: <https://www.arthritis.org/getmedia/e1256607-fa87-4593-aa8a-8db4f291072a/2019-abtn-final-march-2019.pdf>. Accessed May 13, 2021.”

Karuna Seshasai,

*Executive Secretary to the Department,
Department of Health and Human Services.*

[FR Doc. 2021–13481 Filed 6–23–21; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R4–ES–2020–0063;
FF09E22000 FXES1113090FEDR 212]

RIN 1018–BD83

Endangered and Threatened Wildlife and Plants; Reclassifying Smooth Coneflower as Threatened With Section 4(d) Rule

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), propose to reclassify from endangered to threatened (“downlist”) the smooth coneflower (*Echinacea laevigata*) under the Endangered Species Act of 1973, as amended (Act) due to improvements in the species’ overall status since the original listing in 1992. This proposed action is based on a thorough review of the best available scientific and commercial information, which indicates that the species’ status has

improved such that it is not currently in danger of extinction throughout all or a significant portion of its range, but that it is still likely to become so in the foreseeable future. This proposed rule completes the 5-year status review for the species, initiated on March 12, 2018. If this proposal is finalized, smooth coneflower would be reclassified as a threatened species under the Act. We seek information, data, and comments from the public on this proposal. We also propose to establish a rule under section 4(d) of the Act for the protection of smooth coneflower.

DATES: We will accept comments received or postmarked on or August 23, 2021. Comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES**, below) must be received by 11:59 p.m. Eastern Time on the closing date. We must receive requests for public hearings in writing, at the address shown in **FOR FURTHER INFORMATION CONTACT**, by August 9, 2021.

ADDRESSES: You may submit comments on this proposed rule by one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal: <http://www.regulations.gov>. In the Search box, enter the Docket Number for this proposed rule, which is FWS–R4–ES–2020–0063. Then, click on the Search button. On the resulting page, in the Search panel on the left side of the screen, under the Document Type heading, check the Proposed Rule box to locate this document. You may submit a comment by clicking on “Comment Now!”

(2) *By hard copy:* Submit by U.S. mail to: Public Comments Processing, Attn: FWS–R4–ES–2020–0063, U.S. Fish and Wildlife Service, MS: PRB/3W, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

We request that you send comments only by the methods described above. We will post all comments on <http://www.regulations.gov>. This generally means that we will post any personal information you provide to us (see Information Requested, below, for more information).

Document availability: This proposed rule and supporting documents (including the Recovery Plan) are available at <http://www.regulations.gov> under Docket No. FWS–R4–ES–2020–0063.

FOR FURTHER INFORMATION CONTACT: Pete Benjamin, Field Supervisor, U.S. Fish and Wildlife Service, Raleigh Ecological Services Field Office, 551–F Pylon Drive, Raleigh, NC 27606; telephone (919) 856–4520. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION:

Executive Summary

Why we need to publish a rule. Under the Act, a species may warrant reclassification from endangered to threatened if it no longer meets the definition of endangered (in danger of extinction). The smooth coneflower is listed as endangered, and we are proposing to reclassify the smooth coneflower as threatened (*i.e.*, “downlist” the species) because we have determined it is not currently in danger of extinction. Downlisting a species as a threatened species can only be made by issuing a rulemaking.

What this document does. This rule proposes to reclassify the smooth coneflower from endangered to threatened on the Federal List of Endangered and Threatened Plants (List), with a rule issued under section 4(d) of the Act to ensure the continued conservation of this species. This rule

also serves to complete the 5-year review for the smooth coneflower.

The basis for our action. Under the Act, we may determine that a species is an endangered species or a threatened species because of any of five factors: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its continued existence. This five-factor analysis applies whether we are proposing to newly list a species as endangered or threatened, change its classification, or remove the species from listing. We may reclassify a species if the best available commercial and scientific data indicate the species no longer meets the applicable definition in the Act. We have determined that the smooth coneflower is no longer in danger of extinction and, therefore, does not meet the Act's definition of an endangered species, but the species does meet the Act's definition of a threatened species because it is still affected by current and ongoing habitat loss, degradation, and fragmentation from development. Existing management and regulatory mechanisms are not sufficient to protect the species from these threats such that it is not in danger of extinction the foreseeable future.

We are proposing to promulgate a section 4(d) rule. We propose to prohibit the activities identified under section 9(a)(2) of the Act for endangered species as a means to provide protections to the smooth coneflower. We also propose specific exceptions from these prohibitions for our State agency partners, so that they may continue with certain activities covered by an approved cooperative agreement to carry out conservation programs that will facilitate the conservation and recovery of the species.

Information Requested

We intend that any final action resulting from this proposed rule will be based on the best scientific and commercial data available and be as accurate and effective as possible. Therefore, we request comments or information from other concerned governmental agencies, Native American tribes, the scientific community, industry, or other interested parties concerning this proposed rule.

We particularly seek comments concerning:

(1) Reasons we should or should not reclassify the smooth coneflower as a threatened species, and if we should consider delisting the species.

(2) New information on the historical and current status, range, distribution, and population size of the smooth coneflower.

(3) New information on the known and potential threats to the smooth coneflower, including fire management, regulatory mechanisms, and any new management actions that have been implemented, and whether management would continue should the species be delisted.

(4) New information regarding the life history, ecology, and habitat use of the smooth coneflower.

(5) Current or planned activities within the geographic range of the smooth coneflower that may have adverse or beneficial impacts on the species.

(6) Information on regulations that are necessary and advisable to provide for the conservation of the smooth coneflower and that the Service can consider in developing a 4(d) rule for the species.

(7) Information concerning the extent to which we should include any of the section 9 prohibitions in the 4(d) rule or whether any other forms of take should be excepted from the prohibitions in the 4(d) rule.

Please include sufficient information with your submission (such as scientific journal articles or other publications) to allow us to verify any scientific or commercial information you include.

Please note that submissions merely stating support for, or opposition to, the action under consideration without providing supporting information, although noted, will not be considered in making a determination, as section 4(b)(1)(A) of the Act (16 U.S.C. 1531 *et seq.*) directs that a determination 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."

Because we will consider all comments and information we receive during the comment period, our final determinations may differ from this proposal. Based on the new information we receive (and any comments on that new information), we may conclude that the smooth coneflower should remain listed as endangered instead of being reclassified as a threatened, or we may conclude that the species no longer warrants listing as either an endangered species or a threatened species. In addition, we may change the parameters of any prohibitions or conservation measures if we conclude it is

appropriate in light of comments and new information received. For example, we may expand the incidental take prohibitions to include activities that this proposed rule would allow if we conclude that such additional activities are likely to cause direct injury or mortality to the species. Conversely, we may establish additional exceptions to the incidental take prohibitions so as to allow activities that this proposed rule would prohibit if we conclude that such activities would not cause direct injury or mortality to the species and will facilitate the conservation and recovery of the species.

You may submit your comments and materials concerning this proposed rule by one of the methods listed in **ADDRESSES**. We request that you send comments only by the methods described 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 your submission is made via a hardcopy that includes personal identifying information, you may request at the top of your document that we withhold this 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>.

Comments and materials we receive, as well as supporting documentation we used in preparing this proposed rule, will be available for public inspection on <http://www.regulations.gov>.

Public Hearing

Section 4(b)(5) of the Act provides for a public hearing on this proposal, if requested. Requests must be received by the date specified in **DATES**. Such requests must be sent to the address shown in **FOR FURTHER INFORMATION CONTACT**. We will schedule a public hearing on this proposal, if requested, and announce the date, time, and place of the hearing, as well as how to obtain reasonable accommodations, in the **Federal Register** at least 15 days before the hearing. For the immediate future, we will provide these public hearings using webinars that will be announced on the Service's website, in addition to an announcement in the **Federal Register**. The use of these virtual public hearings is consistent with our regulations at 50 CFR 424.16(c)(3).

Peer Review

In accordance with our policy, "Notice of Interagency Cooperative Policy for Peer Review in Endangered Species Act Activities," which published on July 1, 1994 (59 FR

34270), and our August 22, 2016, Director's Memorandum, "Peer Review Process" (Service 2016), which updates and clarifies the July 1, 1994 policy, we will seek the expert opinion of at least three appropriate and independent specialists regarding scientific data and interpretations contained in this proposed rule. The purpose of such review is to ensure that our decisions are based on scientifically sound data, assumptions, and analysis. We will send peer reviewers copies of this proposed rule immediately following publication in the **Federal Register**. We will ensure that the opinions of peer reviewers are objective and unbiased by following the guidelines set forth in the Director's Memorandum. We will invite these peer reviewers to comment during the public comment period on both the proposed reclassification of smooth coneflower and the proposed 4(d) rule. We will summarize the opinions of these reviewers in the final decision documents, and we will consider the comments and information we receive from peer reviewers during the public comment period on this proposed rule, as we prepare a final rule.

Previous Federal Actions

On October 8, 1992, we published in the **Federal Register** (57 FR 46340) a final rule listing smooth coneflower as an endangered species. The final rule identified the following threats to smooth coneflower: Extirpation due to the absence of natural disturbance (fire and/or grazing), highway construction and improvement, gas line installation, residential and industrial development, collecting (for horticulture and pharmaceutical industries), herbicide use on highway and utility rights-of-way, encroachment of exotic species, and suspected beetle damage. On April 18, 1995, we published the recovery plan for this plant (Service 1995, entire).

On August 2, 2011, we completed a 5-year review for the smooth coneflower (Service 2011, entire). In that review, we recommended that we should downlist the species to threatened because a substantial number of new occurrences of the species have been located since completion of the recovery plan. The 2011 review is a supplemental document to this proposed rule and is provided at <http://www.regulations.gov> under Docket No. FWS-R4-ES-2020-0063.

On March 12, 2018, we initiated another 5-year review (83 FR 10737). This proposed rule completes that review.

For additional details on previous Federal actions, see discussion under Recovery, below. Also see <http://>

www.fws.gov/endangered/species/us-species.html for the species profile for this plant.

Acronyms and Abbreviations Used in This Proposed Rule

DOD = Department of Defense
 EO = element occurrence
 GADNR = Georgia Department of Natural Resources
 GPCA = Georgia Plant Conservation Alliance
 MOU = memorandum of understanding
 NCBG = North Carolina Botanical Garden
 NCDACS = North Carolina Department of Agriculture and Consumer Services
 NCDOT = North Carolina Department of Transportation
 NCNHP = North Carolina Natural Heritage Program
 NCPCP = North Carolina Plant Conservation Program
 ROW = right-of-way
 SCDNR = South Carolina Department of Natural Resources
 SCDOT = South Carolina Department of Transportation
 SCHTP = South Carolina Heritage Trust Program
 TNC = The Nature Conservancy
 USACE = U.S. Army Corps of Engineers
 USDA = U.S. Department of Agriculture
 USDOE = U.S. Department of Energy
 USFS = U.S. Forest Service, U.S. Department of Agriculture
 USGS = U.S. Geological Survey
 VADCR = Virginia Department of Conservation and Recreation
 VADNH = Virginia Division of Natural Heritage

I. Proposed Reclassification Determination

Background

Species Information

A thorough review of the taxonomy, life history, ecology, and overall viability of smooth coneflower is presented in the recovery plan (Service 1995, entire) and the 5-year review (Service 2011, entire). Below, we present a summary of the biological and distributional information discussed in those documents and new information published or obtained through coordination with species experts and data synthesis since then.

Taxonomy and Species Description

Smooth coneflower is a perennial herb in the aster family (Asteraceae). It was first described as *Brauneria laevigata* by Boynton and Beadle in 1903, from material collected in South Carolina (SC) in 1888. It was transferred to the genus *Echinacea* in 1929 (Small 1933, p. 1421; McGregor 1968, p. 120). Smooth coneflower grows up to 1.5 meters (59 inches (in)) tall from a vertical root stock; stems are smooth, with few leaves. Large basal leaves,

which reach 15 centimeters (cm) (5.9 in) in length and 8 cm (3.2 in) in width, have long petioles. They are elliptical to broadly lanceolate, taper to the base, and are smooth to slightly rough. The midstem leaves are smaller than the basal leaves. Flower heads are usually solitary and are composed of ray flowers and disk flowers. The ray flowers (petal-like structures on composite flower heads) are light pink to purplish, strongly drooping, and 5 to 8 cm (1.9 to 3.1 in) long. Disk flowers (tiny tubular flowers in the central portion of composite flower head) are about 5 millimeters (mm) (0.2 in) long; have tubular purple corollas; and have mostly erect, short triangular teeth (McGregor 1968, p. 129; Radford et al. 1968, p. 1110; Kral 1983, p. 1135; Gaddy 1991, p. 4; Gleason and Cronquist 1991, p. 532; Weakley 2015, p. 1114).

Reproductive Biology

Flowering occurs from May through July, and fruits develop from late June to September (Gaddy 1991, p. 18). Sexual reproduction results in a gray-brown, oblong-prismatic achene (dry, one-seeded fruit), usually four-angled, and 4 to 5 mm (0.16 to 0.20 in) long (Kral 1983, p. 1135; Gaddy 1991, p. 4). Asexual reproduction in the form of short clonal rhizomes make new rosettes in both garden and wild settings (Kunz 2018, pers. comm.). Pollinators for smooth coneflower include various species of butterflies, wasps, and bees (Collins and Fore 2009, pp. 452–454). The smooth coneflower is dependent on insect pollinators for cross pollination; bees are the most effective pollinators, while skippers and butterflies are frequent nectar foragers (Gadd 2006, p. 15).

Based on observations of the closely related Tennessee purple coneflower (*Echinacea tennesseensis*), seeds are probably dispersed by seed-eating birds or mammals such as goldfinches (*Spinus tristis*) and white-tailed deer (*Odocoileus virginianus*) (Service 1989, p. 9). Smooth coneflower seeds only appear to germinate on bare soil (Gadd 2006, p. 20). Walker (2009, p. 12) failed to recover any smooth coneflower seeds from the soil seed bank (natural storage of seeds in the soil) at three North Carolina (NC) sites; however, he was able to recover smooth coneflower seeds in both spring and fall leaf litter samples. While the recovery plan mentions that reproductive success is generally poor in this species (Service 1995, p. 5), Gadd (2006, p. 17) found that smooth coneflower plants at three NC sites are not pollinator-limited and even short visits by pollinators result in seed set. Recent augmentation/

reintroduction projects have been successful in Georgia (GA), NC, and SC using nursery-grown plants (Alley 2018, pers. comm.; Mackie, USFS 2018, pers. comm.; Kunz 2018, pers. comm.).

Distribution and Abundance

In this proposed rule, we follow guidance for defining EOs and populations described by NatureServe (2002, pp. 10–11; NatureServe 2004, pp. 6, 14). We define an EO as any current (or historical) location where smooth coneflower occurs (or occurred), regardless of the spatial relationship with other EOs. We define a population as either a stand-alone EO isolated by

distance of unsuitable habitat (separated from other EOs by 2 kilometers (km) (1.2 miles (mi)) or more), or as a principal EO. A principal EO is two or more EOs located less than or equal to 2 km (1.2 mi) from each other, with suitable habitat in between them. For the purposes of evaluating the recovery of this species, it is most appropriate to consider populations rather than individual EOs.

At the time of listing in 1992, this plant had 21 extant populations (57 FR 46340; October 8, 1992). When the recovery plan was written in 1995, there were 24 known populations rangewide, with an additional 3 populations in SC

that were considered of cultivated origin at that time but are now believed to be natural populations, for a total of 27 populations (Service 1995, p. 2). Several new smooth coneflower occurrences have been discovered since the time of listing, including 15 in GA, 11 in NC, 28 in SC, and 10 in Virginia (VA) (GADNR 2019, unpaginated; NCNHP 2019, unpaginated; SCHTP 2019, unpaginated; VADNH 2018, unpaginated; White 2018, p. 6).

Current State Natural Heritage Program database records document 44 extant populations of smooth coneflower (Table 1).

TABLE 1—TOTAL NUMBER OF EXTANT POPULATIONS OF SMOOTH CONEFLOWER THAT OCCUR IN EACH STATE WITHIN THE RANGE OF THE SPECIES

[GADNR 2019, unpaginated; NCNHP 2019, unpaginated; SCHTP 2019, unpaginated; VADNH 2018, unpaginated; White 2018, entire]

State	Number of extant populations
Virginia (VA)	15
North Carolina (NC)	6
South Carolina (SC)	12
Georgia (GA)	11
Totals	44

A single collection of this species from Maryland may represent a waif (a plant outside of its natural range) (Reveal and Broome 1982, p. 194). One herbarium specimen from Lancaster County, Pennsylvania (PA), is on file at the Missouri Botanical Garden. No additional collections have been made from PA. The PA Natural Heritage Program considers this species to be extirpated in the State (Kunsmann 2018, pers. comm.).

Range and Habitat

At the time of listing in 1992, all of the known smooth coneflower populations occurred in the piedmont or mountain physiographic provinces of GA, SC, NC, and VA. Since listing, new populations have been found in the inner coastal plain/sandhills region of SC (White 2018, p. 4) and the coastal plain of GA (Moffet 2018, pers. comm.).

Smooth coneflower is typically found in open woods, glades, cedar barrens, roadsides, clear cuts, dry limestone bluffs, and power line ROWs. The species is usually found on magnesium- and calcium-rich soils associated with amphibolite, dolomite, or limestone (in VA); gabbro (in NC and VA); diabase (in NC and SC); marble, sandy loams, chert, and amphibolites (in SC and GA); and shallow soils with minor bedrock exposures (in GA) (Service 1995, pp. 2–3; White 2018, p. 4; GADNR 2019,

unpaginated). The healthiest smooth coneflower populations are managed with prescribed fire or mechanical thinning, which provides the smooth coneflower plants abundant sunlight and little competition from other plant species (Gaddy 1991, p. 1).

Population Structure

Land managers and biologists have routinely monitored smooth coneflower populations since before the species was listed in 1992. Monitoring at most populations usually involves a flowering stem count, while each rosette of leaves is counted at some sites. Flowering stem counts are generally the most common survey method because they require less time and biologists generally agree that plants produce no more than one flowering stem per growing season, making this method a conservative count of how many plants actually exist at a site. Basal rosettes and plants in vegetative state (non-flowering) can be very hard to find and count in dense herbaceous vegetation (NCPCP 2018, unpaginated; White 2018, entire).

The species displays a relatively high level of genetic diversity based on analyses across the range of populations (Peters et al. 2009, pp. 12–13). There is also significant population genetic differentiation and a majority of the genetic variance is attributed to

variation within populations, suggesting that populations may be adapting to local environments (Apsit and Dixon 2001, entire). Because this genetic variation exists, all populations should be maintained to conserve genetic diversity since each population contains only a subset of the total genetic variation. Regional population differentiation may be important in the selection of material to establish new populations, which suggests that, for greatest success, reintroduction projects use local source material (Apsit and Dixon 2001, p. 76).

Recovery

Section 4(f) of the Act directs us to develop and implement recovery plans for the conservation and survival of endangered and threatened species, unless we determine that such a plan will not promote the conservation of the species. Recovery plans must, to the maximum extent practicable, include objective, measurable criteria which, when met, would result in a determination, in accordance with the provisions of section 4 of the Act, that the species be removed from the List.

Recovery plans provide a roadmap for us and our partners on methods of enhancing conservation and minimizing threats to listed species, as well as measurable criteria against which to evaluate progress towards recovery and

assess the species' likely future condition. However, they are not regulatory documents and do not substitute for the determinations and promulgation of regulations required under section 4(a)(1) of the Act. A decision to revise the status of a species, or to delist a species, is ultimately based on an analysis of the best scientific and commercial data available to determine whether a species is no longer an endangered species or a threatened species, regardless of whether that information differs from the recovery plan.

There are many paths to accomplishing recovery of a species, and recovery may be achieved without all of the criteria in a recovery plan being fully met. For example, one or more criteria may be exceeded while other criteria may not yet be accomplished. In that instance, we may determine that the threats are minimized sufficiently, and that the species is robust enough that it no longer meets the definition of an endangered species or a threatened species. In other cases, we may discover new recovery opportunities after having finalized the recovery plan. Parties seeking to conserve the species may use these opportunities instead of methods identified in the recovery plan. Likewise, we may learn new information about the species after we finalize the recovery plan. The new information may change the extent to which existing criteria are appropriate for identifying recovery of the species. The recovery of a species is a dynamic process requiring adaptive management that may, or may not, follow all of the guidance provided in a recovery plan.

Recovery Criteria

The Smooth Coneflower Recovery Plan was approved by the Service on April 18, 1995 (Service 1995, entire). It includes recovery criteria intended to indicate when threats to the species have been addressed to the point the species may no longer meet the definition of endangered or threatened and describes actions or tasks necessary to achieve those criteria.

The recovery plan identifies five downlisting criteria for smooth coneflower (Service 1995, p. 12):

1. Twelve (12) geographically distinct, self-sustaining populations are protected across the species' range, including populations in at least two counties in VA, two counties in NC, two counties in SC, and one county in GA;

2. At least nine of these populations must be in areas within the species' native ecosystem (not in gardens or similar artificial settings) that are in permanent conservation ownership and management;

3. Managers have been designated for each protected population;

4. Management plans have been developed and implemented for each protected population; and

5. Populations have been maintained at stable or increasing levels for 5 years.

The recovery plan also identifies the following five delisting criteria for the smooth coneflower (Service 1995, p. 12):

1. Fifteen (15) geographically distinct, self-sustaining populations are protected across the species' range, including populations in at least two counties in VA, two counties in NC, two counties in SC, and one county in GA;

2. At least nine of these populations must be in areas within the species'

native ecosystem (not in gardens or similar artificial settings) that are in permanent conservation ownership and management;

3. Managers have been designated for each protected population;

4. Management plans have been developed and implemented for each protected population; and

5. Populations have been maintained at stable or increasing levels for 10 years.

Downlisting/Delisting Criteria 1 and 2 (Fifteen Protected Self-Sustaining Populations in Native Ecosystem)

Not only have both of the downlisting criteria for protected self-sustaining populations been met, but both delisting criteria as well. We currently know of 44 extant populations throughout the species' range. Of those 44, 16 populations ranked with excellent to good viability are found in areas where the habitat is under protective status (like a National Forest). As of 2019, 33 smooth coneflower populations are either on Federal lands or are in conservation ownership (9 in GA, 5 in NC, 12 in SC, and 7 in VA), 16 of which are ranked A (excellent viability), AB (excellent/good viability), or B (good viability) by their respective State Natural Heritage Programs (4 in GA, 3 in NC, 5 in SC, and 4 in VA). These populations are considered protected because they occur on several National Forests managed by the USFS, as well as lands owned and managed by State agencies, TNC, USACE, USDOE, and DOD. Management plans in existence for many of these populations are detailed below.

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Table 2. State distribution, Heritage program rank, ownership, and availability of management plan for the most resilient, protected populations.

State	Population Name	Heritage Rank*	Ownership	Management Plan?
GA	GA-A	AB	Federal	yes
GA	GA-B	B	Federal	yes
GA	GA-C	B	Federal	yes
GA	GA-D	B	Federal	yes
NC	NC-A	A	Federal, State	no
NC	NC-B	A	State	yes
NC	NC-C	B	Federal	no
SC	SC-A	AB	Federal	yes
SC	SC-B	B	Federal	yes
SC	SC-C	A	Federal, State	yes
SC	SC-D	A	Federal	yes
SC	SC-E	AB	Federal	yes
VA	VA-A	A	State	yes
VA	VA-B	A	Private	yes
VA	VA-C	AB	State	no
VA	VA-D	AB	State	yes
* Heritage Ranks: A = excellent viability; AB = excellent/good viability; B = good viability				

With regard to the requirement in Criterion 1 that populations be self-sustaining, we evaluated the resiliency of each population by looking at the ranks as assigned by the State Natural Heritage Programs. These 16 protected populations are ranked either A, B, or

AB (six are ranked A, five are ranked AB, and five are ranked B (see Table 2, above)). These 16 resilient populations are scattered across the range of the species, including one county in GA (Stephens), two counties in NC (Durham and Granville), two counties in SC

(Barnwell and Oconee), and three counties in VA (Franklin, Halifax, and Montgomery). These populations span mountain, piedmont, and coastal plain physiographic provinces.

Table 3. Smooth coneflower ranking criteria.

Heritage Rank	Viability	Number of Plants	Size and Type of Habitat	Management Regime
A	Excellent	>1,000; flowering annually	>5 acres (>2 hectares); open glade or prairie remnant	open (disturbed) from periodic fires, optimal soil conditions
B	Good	100-1,000; most flowering annually	1-5 acres; open glade or prairie remnant	mostly open by periodic fires or other disturbance
C	Fair	10-100; 50% or fewer flowering annually	any size glade or prairie remnant; or isolated roadside or utility ROW with remnant glade or prairie flora	limited
D	Poor	<10; may not flower annually	remnant glades or isolated ROWs	limited

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TABLE 4—NUMBER OF PROTECTED POPULATIONS WITH EXCELLENT TO GOOD VIABILITY (A- to B-Ranked) AND HIGH TO MEDIUM RESILIENCY BY STATE

[GADNR 2019, unpaginated; NCNHP 2019, unpaginated; SCHTP 2019, unpaginated; VADNH, 2018, unpaginated; White 2018, entire]

State	NatureServe rank		
	A	AB	B
	High resiliency	Medium high resiliency	Medium resiliency
VA	2	2	0
NC	2	0	1
SC	2	2	1
GA	0	1	3
Total Populations	6	5	5

All of these populations occur in the species' natural ecosystem, which includes habitats such as open woodlands, glades, cedar barrens, and other habitat that is usually (but not always) found on magnesium- and calcium-rich soil. For many of the larger A- and B-ranked populations, the site ranks have not changed significantly over recent years.

The remaining 28 extant populations are ranked C (fair viability), D (poor viability), or E (extant, but their viability has not been assessed). A rank of X is given to sites considered to be extirpated, where evidence indicates that the species no longer exists in that location. A rank of H is given to sites considered to be historical, where recent field information verifying the continued existence of the population is lacking. We estimated that C-, D-, and E-

ranked populations have low resiliency, and sites ranked H or X were not evaluated for resiliency because plants have not been found at those sites in recent years.

Downlisting/Delisting Criterion 3 (Managers Have Been Designated for Each Protected Population)

We verified ownership and management status of each of the 16 resilient, protected populations on Federal, State, and private conservation lands, to ensure that a land manager responsible for overseeing the management of smooth coneflower has been assigned. The four resilient populations in GA are managed by the USFS (Chattahoochee-Oconee National Forest) with assistance from the Atlanta Botanical Garden and State Botanical Garden of Georgia. The three resilient

populations in NC are managed by the NCDACS (Research Stations Division), NCPCP, USACE, and NCBG. In SC, most of the resilient populations occur on the Sumter National Forest, and four of the five resilient populations are managed by the Sumter National Forest, with one of those sites being co-owned and managed by SCHTP as a Heritage Trust Preserve. The other resilient population, at the Savannah River Site, is owned by the USDOE and managed by the USFS. In VA, the four resilient populations are managed by the VADNH, USFS (George Washington National Forest), and TNC.

Site managers have been identified for all 16 resilient populations identified under Criteria 1 and 2 above; therefore, we consider this criterion to have been met.

Downlisting/Delisting Criterion 4 (Management Plans Implemented)

Because smooth coneflower requires early to mid-successional habitat, all resilient populations have received and will require some form of management in perpetuity to help maintain habitat in the right balance so that populations can thrive. Management techniques include the use of prescribed fire, well-timed mowing, mechanical clearing (including the use of chain saws to cut trees), and herbicides (selectively applied to cut stumps to prevent regrowth). All of these management actions have been implemented separately or in combination to sustain suitable habitat for smooth coneflower. Of the 16 resilient populations considered in Criteria 1 and 2, 13 of them can be considered to be included in management plans. However, these plans vary in scope and level of specificity toward smooth coneflower, and most plans are outdated. Only six of the plans are specific to the management of smooth coneflower, while the others address the overall management of an entire site but include some actions that may be beneficial to smooth coneflower. Of the six plans that are specific to the management of smooth coneflower, four were developed in the mid-1990s, and two were developed in the early 2000s. In the past 20 years, we have learned a lot about how to best manage the species with fire, as well as how to manage for invasive species. Many of these management practices need to be incorporated into older management plans.

Management plans exist for three of the four highly resilient smooth coneflower populations in VA, although new information about fire intervals could improve management of several sites (*e.g.*, VA-A, VA-B, and VA-D) (Heffernan et al. 2002, pp. 1–2; SanJule 2007, p. 5; USDA Forest Service 2014, entire). In NC, the site of the largest smooth coneflower population (NC-B) has been actively managed using prescribed fire, mowing, and other mechanical means as recommended by species experts (Barnett-Lawrence 1994, pp. 18–20, Appendix 10; Barnett-Lawrence 1995, pp. 18–19; NCNHP 1996, unpaginated), but two of the highly resilient populations lack management plans altogether. In SC, all resilient populations occurring on the Sumter National Forest in SC (SC-A, SC-B, SC-C, and SC-D) are managed by prescribed fire and mechanical clearing. While the Sumter National Forest Revised Land and Resource Management Plan is from 2004, this

plan directs the USFS to maintain or restore at least eight self-sustaining populations of smooth coneflower (USDA Forest Service 2004b, pp. 2–9; Roecker 2001, entire), a practice that is in effect today. In GA, the USFS adequately uses prescribed fire, mechanical clearing, and herbicide application to maintain open, glade-like woodland habitat for smooth coneflower and associated species at resilient populations (GA-A, GA-B, GA-C, and GA-D).

In summary, 13 of the 16 most resilient (A-, AB-, and B-ranked) smooth coneflower populations are included in management plans, but only six of them specifically address smooth coneflower management. These plans vary in level of detail, scope, and time commitment, and several need to be updated with improved fire management and invasive species management practices. We find that the implementation of regular, dedicated management for the resilient populations is the reason these smooth coneflower populations are large, healthy, and viable, and contribute toward the recovery of the species. However, the Service considers Delisting Criterion 4 for smooth coneflower to have been only partially met since not all populations have management plans, and several of the existing plans are out of date. The Service has developed a template management plan that land managers can use as a guide when developing or updating rare species management plans, particularly those that focus on smooth coneflower management, and we will be working toward getting all plans established and updated as part of our ongoing recovery work.

Downlisting/Delisting Criterion 5 (Stable or Increasing Populations for 5 or 10 Years)

Land managers conduct site visits to their respective smooth coneflower populations on a regular basis to assess population size and health and to determine what management actions, if any, are needed. Monitoring generally involves a flowering stem count, which is a conservative count of how many plants exist at a site (NCPCP 2018, unpaginated; White 2018, entire).

Virginia smooth coneflower populations occur on USFS, TNC, and VADCR lands. These sites have been monitored by their respective land managers and researchers over the last 30 years. Because several of the smooth coneflower preserves in VA are large in size, a complete census has not been conducted every year, although the sites have been generally monitored during regular management activities. Resilient

populations VA-A and VA-B have been actively monitored since 2014 (Collins *et al.*, (2014, entire; Collins and Huish 2018, entire). VA-A has been stable since 1977; VA-B has been stable since 1992. The remaining two resilient populations have been stable since their discovery in 1992–1993.

Land managers in NC have collected monitoring data on their smooth coneflower populations for many years. The NCPCP and NCNHP have compiled monitoring records going back to 1988 (NCPCP 2018, unpaginated; NCNHP 2019, unpaginated; Barnett-Lawrence 1994, entire; Barnett-Lawrence 1995, entire; Lunsford ca 2003). The NCPCP began monitoring some of their populations as early as 1988, and then initiated a more consistent monitoring program in 2004, or the year in which a population was discovered (whichever was later). Smooth coneflower plants at NC-B have been monitored since 1989. Sites managed by NCBG have been monitored regularly since 2004. Populations managed by USACE have been monitored intermittently since 1989, and regularly since 2004. In 2018, NCPCP summarized the monitoring data and suggested trends for all NC populations as part of their annual section 6 (of the Act) report. Of the resilient smooth coneflower populations in Durham and Granville Counties, one (NC-A) has been increasing over the 14-year monitoring period, and two (NC-B and NC-C) are stable (NC-B) over the 31-year monitoring period (NCPCP 2018, unpaginated).

South Carolina sites on the Sumter National Forest and a State-owned Heritage Preserve have been monitored since 1990 (White 2018, p. 6, table 1). White (2018, entire) recently conducted a status survey of all of the smooth coneflower sites in SC. His final report compiled all smooth coneflower monitoring data in SC, and determined that since 2006, trends indicated that five of the seven Sumter National Forest populations are increasing, and one is stable, while the status of one population is unknown due to insufficient data. Of the five populations that are increasing in size, four are considered to be resilient (SC-A, SC-B, SC-C, and SC-D). The first smooth coneflower population at the Savannah River Site was discovered in 1988, and populations there have been monitored periodically since the mid-1990s. The most recent comprehensive monitoring and inventory was conducted in 2015 and 2017 (Brewer and Prater 2015, p. 4; White 2018, entire). White (2018, p. 11) determined that since 2000, two Savannah River Site populations are stable (including resilient population

SC–E), while two populations are possibly declining. To summarize the trends for the most resilient SC smooth coneflower populations, four appear to be increasing in size, and one is considered stable, for at least the past 14 years.

All four of the most resilient smooth coneflower populations in GA occur on the Chattahoochee-Oconee National Forest in northeastern GA. Biologists with the USFS, State Botanical Garden of Georgia, Atlanta Botanical Garden, GADNR, and GPCA have visited these populations on a regular basis since the species was proposed for listing in 1991 and a Statewide status survey was conducted in 2000 (Sullivan 2000, entire). Monitoring data are intermittent, but the four resilient populations have been considered stable for the past 20 years since the Statewide status survey (Suiter 2020, pers. comm.).

Without more detailed data, it is difficult to determine specific trends, but based on our analysis of monitoring data and recent observations, we conclude that all of the 16 A-, AB-, and B-ranked (resilient) protected populations have been stable or increasing for more than 10 years; therefore, we consider this recovery criterion to have been met.

Summary

The implementation of recovery actions for smooth coneflower has significantly reduced the risk of extinction for the species. As indicated above, many smooth coneflower populations are protected on public (Federal and State) and private lands, such as TNC preserves in VA. The most resilient smooth coneflower populations (*i.e.*, those considered contributing to species' recovery) are considered stable or increasing. Current information indicates that smooth coneflower is more abundant, and its range is somewhat larger, than when the species was listed. However, management plans for all protected populations are lacking, as only six specifically focus on management for smooth coneflower. Many of the existing management plans are out of date, from the 1990s and early 2000s, or are not being currently implemented.

Summary of Factors Affecting the Species

Section 4 of the Act (16 U.S.C. 1533) and its implementing regulations (50 CFR part 424) set forth the procedures for determining whether a species is an "endangered species" or a "threatened species." The Act defines an "endangered species" as a species that is in danger of extinction throughout all

or a significant portion of its range, and a "threatened species" as a species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. The Act requires that we determine whether any species is an "endangered species" or a "threatened species" because of any of the following factors:

- (A) The present or threatened destruction, modification, or curtailment of its habitat or range;
- (B) Overutilization for commercial, recreational, scientific, or educational purposes;
- (C) Disease or predation;
- (D) The inadequacy of existing regulatory mechanisms; or
- (E) Other natural or manmade factors affecting its continued existence.

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 consider these same five factors in reclassifying a species from endangered to threatened (50 CFR 424.11(c) and (d)). Even though we are not proposing to delist the species at this time, we also consider the risk to the species if it were not listed under the Act to better understand the species' future without the protections of the Act.

We use the term "threat" to refer in general to actions or conditions that are known to or are reasonably likely to negatively affect individuals of a species. 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) does not necessarily mean that the species meets the statutory definition of an "endangered species" or a "threatened species." In determining whether a species meets either definition, we must evaluate all identified threats by considering the species' expected response and the effects of the threats—in light of those actions and conditions that will ameliorate the threats—on an individual, population, and species level. We evaluate each threat and its

expected effects on the species, then analyze the cumulative effect of all 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 will have positive effects on the species—such as any existing regulatory mechanisms or conservation efforts. The Secretary determines whether the species meets the definition of an "endangered species" or a "threatened species" only after conducting this cumulative analysis and describing the expected effect on the species now and in the foreseeable future.

The Act does not define the term "foreseeable future," which appears in the statutory definition of "threatened species." Our implementing regulations at 50 CFR 424.11(d) set forth a framework for evaluating the foreseeable future on a case-by-case basis. The term foreseeable future extends only so far into the future as we can reasonably determine that both the future threats and the species' responses to those threats are likely. In other words, the foreseeable future is the period of time in which we can make reliable predictions. "Reliable" does not mean "certain"; it means sufficient to provide a reasonable degree of confidence in the prediction. Thus, a prediction is reliable if it is reasonable to depend on it when making decisions.

It is not always possible or necessary to define foreseeable future as a particular number of years. Analysis of the foreseeable future uses the best scientific and commercial data available and should consider the timeframes applicable to the relevant threats and to the species' likely responses to those threats in view of its life-history characteristics. Data that are typically relevant to assessing the species' biological response include species-specific factors such as lifespan, reproductive rates or productivity, certain behaviors, and other demographic factors.

When we listed smooth coneflower as an endangered species (57 FR 46340; October 8, 1992), the identified threats (factors) were the absence of natural disturbance (fire and/or grazing), highway construction and improvement, gas line installation, and residential and industrial development (Factor A); collecting (Factor B); beetle damage (Factor C); inadequacy of existing State regulatory mechanisms (Factor D); and low genetic variability, herbicide use, and possible encroachment of exotic species (Factor E).

The following analysis evaluates these previously identified threats, any other

threats currently facing the species, and any other threats that are reasonably likely to affect the species in the foreseeable future.

Habitat Degradation or Loss Due To Development and Absence of Natural Disturbance

Smooth coneflower plants require open, sunny conditions to survive. Without regular disturbance such as fire, woody shrubs and trees create a dense canopy that prevents sunlight from reaching the forest floor where this herbaceous species occurs. Smooth coneflower is intolerant of dense shade and tends to die out after a few years of shady conditions.

Smooth coneflower occurrences on private land are vulnerable to habitat loss due to degradation, which results from fire suppression or the absence of other disturbances that maintain the habitat in an open state. For example, in Rockingham County, NC, a small smooth coneflower population occurred on private land in an open woodland between a highway and a railroad track. The lack of management or fire resulted in the site becoming overgrown, and no plants have been observed there in recent years. To encourage smooth coneflower growth, the site needs fire or mechanical disturbance in order to remove woody vegetation and open the forest floor to sunlight (NCNHP 2019, unpaginated).

Development projects, such as residential and commercial construction and highway and utility construction and maintenance, pose a threat to smooth coneflower populations by clearing areas where the species occurs, thereby destroying populations. Further, development in close proximity to smooth coneflower populations may preclude the ability to use fire as a management tool at nearby protected populations because of the threat of fires escaping the management area and objections to smoke blowing into developed areas. For example, a smooth coneflower population on a small parcel of USFS land in Habersham County, GA, has declined over recent years due to the difficulty in managing fire on a parcel surrounded by private property. The lack of management has resulted in the growth of woody plants that have shaded the smooth coneflower plants and resulted in this population's decline (Radcliffe 2019, pers. comm.). As residential and commercial development continue to occur in the suburbs of Durham, NC, it will become harder to manage some of the adjacent smooth coneflower sites with fire (Starke 2019, pers. comm.).

While we are not aware of any smooth coneflower populations that have been destroyed due to residential or commercial development since the species was listed, this threat remains a concern. Recently, a new subpopulation of smooth coneflower was discovered on a property in Durham County, NC, that is slated for development. If a rare plant survey had not been conducted and these plants discovered, they would have been destroyed by the development of the site (Starke 2019, pers. comm.). There are likely additional undiscovered populations of smooth coneflower that are subject to destruction.

Development pressure based on urbanization predictions from the SLEUTH urban growth model indicate that all of the NC counties, more than half of the SC counties, and both of the northeastern GA counties of occurrence for smooth coneflower will exhibit high (greater than 90 percent) growth trends over the next 20 to 30 years as part of the southern megalopolis (Terando et al., 2014, p. 3; Databasin 2014, entire). Smooth coneflower populations that occur on private lands in these counties will continue to face threats from development and land conversion in the foreseeable future. Most of the VA counties of occurrence are outside the boundaries of the southern megalopolis and the VA urban crescent in the eastern part of the State (Databasin 2014, entire).

Smooth coneflower occurs on roadsides and utility ROWs throughout the range of the species. These populations are vulnerable to management practices that could negatively impact or destroy them. Herbicides, which are typically harmful to all plants, are often used to manage vegetation along road shoulders and in utility ROWs. Herbicide damage can be temporary or permanent depending on the herbicide used and the rate of application. Although dormant season (winter) mowing is generally not problematic for disturbance-dependent species, as it helps reduce competition and maintain sites in an open condition, any mowing that occurs during the growing season but before plants produce mature seeds is considered harmful because it arrests seed development and reproductive potential for that year. Smooth coneflower plants growing on a utility ROW in Granville County, NC, were accidentally sprayed with herbicides, killing many plants in this population (NCNHP 2019, unpaginated). Herbicide damage to smooth coneflowers has also occurred at the Savannah River Site in GA, but the population was able to recover (White

2018, Appendix 3, entire). Roadside and utility ROW occurrences are difficult to manage in an early successional state without harming the smooth coneflower plants. For example, woody species encroachment has caused the decline of some smooth coneflower sites that occur in ROWs in Durham County, NC. In some cases, it is possible to manage lands adjacent to ROW populations by, for example, removing woody species to create suitable habitat for the species, encouraging the plant to gradually occupy habitat away from the ROW; however, adjacent, protected land does not always exist (Stark 2019, pers. comm.). In the status survey of smooth coneflower populations in SC, White (2019, Appendix 3, entire) indicates that many populations still face competition by woody species, the presence of invasive species, and road ROW maintenance.

The protection of some smooth coneflower populations has been accomplished through active management and reducing the impacts of development. These efforts are critical to the long-term survival of this species. Recognizing the importance of long-term management of smooth coneflower populations, management plans that incorporate the use of prescribed fire and/or mechanized vegetation control have been prepared for several populations. The Service is working with many landowners that have smooth coneflower populations to complete or update management plans for their populations, as most management plans were first developed in the 1990s and early 2000s and need to incorporate new fire management and invasive species management practices. In 2018, we provided land managers with a management plan outline to facilitate the completion of thorough management plans. Due to greater awareness of the important role of fire in natural systems, prescribed fire and mechanical thinning are now regularly used as management tools on National Forests, military bases, nature preserves, and other protected lands where smooth coneflower occurs. Land managers such as the USFS, DOD, USACE, and Savannah River Site, among others, use prescribed fire on a 2- to 4-year interval as a management tool to control woody vegetation that might otherwise shade this disturbance-dependent species. For sites that are not managed intentionally for smooth coneflower, management practices will likely continue even if the species is not listed under the Act, primarily because the active management benefits the overall habitat and meets the management objectives of

the landowner. In general, the management benefits the smooth coneflower, and without it, the habitat conditions for the smooth coneflower would likely degrade and we would need to reassess the status of the species under the Act. For the most part, management plans for many of the protected populations of smooth coneflower have been in place for several years, but we do not know if management actions would change for these populations if the species were not listed.

While development pressure on smooth coneflower populations on private lands remains, the threat of development for the most resilient populations is reduced, as they occur only on protected lands. As discussed earlier, many smooth coneflower populations occur on Federal lands, such as those owned or managed by the USFS (George Washington and Jefferson National Forests in VA, Sumter National Forest in SC, and Chattahoochee-Oconee National Forest in GA), USACE (Falls Lake), DOD (Fort Stewart and Fort Jackson Army Bases), and USDOE (Savannah River Site). These populations are protected on Federal lands from the threats of ecological succession or destruction due to development, primarily because Federal partners are vested in the protection of the species under their management plans. Some smooth coneflower sites occur on active military bases with limited public access, such as Fort Jackson and Fort Stewart Army Bases, providing further protection of these populations. Likewise, the Savannah River Site, a former nuclear weapons facility, is closed to the public, and no development or construction is allowed in the areas where smooth coneflower occurs. This USDOE site, designated as a National Environmental Research Park, is managed by the USFS. Several other populations are permanently protected on non-Federal lands by the VADNH, NCDACS, NCPCP, TNC, and Mecklenburg County (NC) Parks and Recreation Department.

In response to impacts to populations of smooth coneflower in roadside and utility ROWs, State departments of transportation and utility companies, such as Duke Energy and Georgia Power, now have management agreements or MOUs with State Natural Heritage Programs, the USFS, and other landowners to protect and manage smooth coneflower populations on their ROWs in a way that is protective of the species.

While significant progress has been made to address the protection and management of many smooth

coneflower populations, development pressure and management challenges associated with adjacent development continue to pose a threat to unprotected smooth coneflower populations. Populations that occur on private lands face threats from development and land conversion. Additionally, protected populations adjacent to private land can be difficult to manage with prescribed fire due to concerns of neighbors. Without proper management, woody vegetation could grow up and shade a smooth coneflower population to the point of causing decline or eradication in less than 10 years. Long-term management is still of concern to the Service, as several populations are not specifically considered in management plans nor have commitments to be managed into the future. Maintenance activities pose a threat to smooth coneflower populations that occur on roadside and utility ROWs. Despite agreements with State and Federal agencies to conduct ROW maintenance in a way that is protective of rare plants, accidents happen frequently. These sites are mowed or sprayed with herbicide on an irregular basis with varying levels of impacts.

Collection

When we listed smooth coneflower as an endangered species (57 FR 46340; October 8, 1992), there was concern that populations might be decimated by collectors interested in exploiting this species for the horticulture and pharmaceutical trades. We expected that publicity might generate increased demand for this species in the nursery trade. However, the final listing rule also mentioned that smooth coneflower, “although offered for sale by a few native plant nurseries, is not currently a significant component of the commercial trade in native plants” (57 FR 46340, October 8, 1992, p. 46341). Currently, we are not aware of any plant nurseries that offer this species for sale, likely a result of the prohibitions on collecting endangered plants such as the smooth coneflower. The only incidents of poaching known to the Service occurred at one site in GA. Flowers were broken off smooth coneflower plants at one of the roadside sites on Currahee Mountain, GA (Alley 2018, pers. comm.). While there is potential that specialty nurseries would be interested in selling this species in the future, the Service concludes that the demand for wild-collected plants is low, as other species in the genus *Echinacea* can be readily propagated using common horticultural techniques.

The concern in the final rule (57 FR 46340; October 8, 1992) that this species

would be collected for the pharmaceutical trade was based on observations of over-collection of other species of *Echinacea* in the midwestern United States for use in medicinal products. However, the rule also stated that “devastation” of smooth coneflower populations “for the commercial pharmaceutical trade has not yet been documented” (57 FR 46340, October 8, 1992, p. 46342). Despite the concerns, in the 27 years that smooth coneflower has been listed, the Service has not been aware of any incidents of poaching this species for use in medicinal products. Since plants in the genus *Echinacea* are still used for medicinal purposes, the threat of this activity remains, but the probability is low due to relatively small population sizes compared to other species in the genus *Echinacea* that grow in midwestern States. Moreover, land managers have not reported poaching as a significant threat to their smooth coneflower populations because other species of *Echinacea* are so much more numerous.

Various types of academic research have been conducted on smooth coneflower since the species was listed in 1992. These studies involved the collection of leaves, stems, flowers, and seeds for laboratory experiments or the collection of voucher specimens for herbaria. The NCBG, State Botanical Garden of Georgia, and Atlanta Botanical Garden have collected smooth coneflower seeds over the years to be used in restoration projects in their respective States. These botanical gardens follow the Center for Plant Conservation guidelines for seed collection and minimize impacts to populations, a protocol that is followed for all species, regardless of whether the species is federally listed or not (Kunz 2018, pers. comm.). We evaluated these projects before they were initiated and determined that the level of collection was unlikely to pose any potential threat of overutilization for the species. We do not find that any of these research or seed banking projects have had long-term negative effects on smooth coneflower. If the species were not listed, we do not anticipate a significant increase in collection pressure, given current lack of poaching and low interest in the species.

We conclude that collection is no longer a threat to the continued existence of smooth coneflower.

Damage Due to Herbivory by Beetles and Deer

When we listed smooth coneflower as an endangered species (57 FR 46340; October 8, 1992), leaf beetles in the family Chrysomelidae had been

observed on smooth coneflower in NC, but their effects were unknown. As mentioned in the 2011 5-year review, a nonnative longhorn beetle (*Hemierana marginata*; family Cerambycidae) was identified at some smooth coneflower populations in NC. This beetle chews into the flowering stem and causes flowers to die before producing viable seeds. While this longhorn beetle has been reported from a few smooth coneflower populations in two NC counties, healthy smooth coneflower populations remain at these sites. Therefore, we conclude that the nonnative longhorn beetle is not a threat at this time.

White-tailed deer (*Odocoileus virginianus*) have been documented browsing on the flower heads of smooth coneflower, but deer herbivory on the leaves has not been observed (Starke 2019, pers. comm.). No other herbivory has been observed. Based on the best available information at this time, we conclude that neither deer browsing nor any other herbivory is causing population-level effects to the smooth coneflower.

State Regulatory Protections

Smooth coneflower is listed as “State Endangered” by the GADNR. The relevant State law (Rules and Regulations of the State of Georgia, Subject 391–4–10, Protection of Endangered, Threatened, Rare, or Unusual Species) prohibits, among other things, the transfer of a State-listed plant from one property to another without the written permission of the landowner where the species was found. Violations of this law constitute a misdemeanor. In addition, the GA Environmental Policy Act requires the assessment of major proposed agency impacts on biological resources (2019 GA Code 12–16–1 *et seq.*). Georgia’s Wildflower Preservation Act of 1973 protects rare plants (2019 GA Code 12–6–170 *et seq.*). However, the GA Wildflower Preservation Act does not protect plants on private property. Nearly all known smooth coneflower populations in GA occur on Federal lands such as the Chattahoochee-Oconee National Forest and DOD (Department of the Army) installations such as Fort Stewart (Moffett 2019, pers. comm.). As discussed above (see *Habitat Degradation or Loss due to Development and Absence of Natural Disturbance*), Federal lands provide some protection to smooth coneflower populations by limiting public access and reducing the threat of development, as well as ensuring agency-specific management plans.

Smooth coneflower is listed as “endangered” in NC by the NCPCP and protected by the Plant Protection and Conservation Act of 1979 (NC General Statutes, Article 19B, section 106–202.12 *et seq.*). This law prevents the removal of State-listed plants from the land without written permission of the landowner. However, it does not regulate destruction or mandate protection. It authorizes the NCPCP to establish nature preserves for protected species and their habitats. To that end, the NCPCP owns and manages several tracts of land as preserves for the protection of smooth coneflower and other associated rare plants.

The Virginia Endangered Plant and Insect Species Act (section 3.2–1000 *et seq.* of the Code of Virginia), as amended, provides for the official listing and recovery of endangered and threatened plant and insect species in VA. The VADNH lists smooth coneflower as “threatened” in the State (Title 2 of the VA Administrative Code at section 5–320–10 (2VAC5–320–10); Townsend 2018, p. 16). Virginia law prohibits the removal and sale or gifting of State-listed plant species from land other than a person’s own land. The VADCR owns three natural area preserves that protect populations of smooth coneflower.

The Virginia Endangered Plant and Insect Species Act has not played a major role in safeguarding smooth coneflower populations (Townsend 2019, pers. comm.).

Smooth coneflower is on the SCDNR’s list of rare, threatened, and endangered species of SC (SCHTP 2018, unpaginated); however, neither the law that authorizes the creation of this list, nor any other State law, provides general protection to listed plants in SC.

Populations of smooth coneflower are more abundant and widely distributed than when it was listed as an endangered species in 1992. It is also listed as endangered or threatened by three of the four States where it occurs (GA, NC, and VA). However, protection of this and other State-listed species on private land is challenging. State prohibitions against taking are difficult to enforce and do not cover adverse alterations of habitats such as exclusion of fire. As previously mentioned in this proposed rule, the majority of the highest ranked populations (Ranks A, AB, and B) occur on protected Federal lands and other conservation properties.

Genetics

The final rule listing smooth coneflower as an endangered species (57 FR 46340; October 8, 1992) stated that, at that time, the remaining smooth

coneflower populations contained few individual plants and there may have been low genetic variability within populations, making each remaining population important. However, as discussed above under *Population Structure*, we now know that smooth coneflower displays a relatively high level of diversity (Peters et al. 2009, entire). Thus, populations may be able to respond to selection pressures due to continued genetic exchange sustained by the outcrossing mating system of the species.

Encroachment From Invasive Species

Encroachment by nonnative, invasive plants poses a threat to some smooth coneflower populations, especially those occurrences located on highway ROWs or in utility line easements (such as power lines). These disturbed habitats often include nonnative species, some of which can become invasive. Invasive species change the floristic composition of these areas, compete for nutrients, limit germination of seeds (by changing or eliminating that niche/microenvironment), and may shade out smooth coneflower plants (Kunz 2020, pers. comm.). Another impact is the use of herbicides on invasive species that has the secondary effect of killing smooth coneflower. Smooth coneflower populations face threats by nonnative, invasive plants such as Japanese honeysuckle (*Lonicera japonica*), Sericea lespedeza (*Lespedeza cuneata*), shrubby lespedeza (*Lespedeza bicolor*), Japanese stiltgrass (*Microstegium vimineum*), and autumn olive (*Elaeagnus umbellata*) (White 2019, entire).

Climate Change

Based on observations of climatic conditions over a period of approximately 20 years, there is some biological and historical evidence to suggest that smooth coneflower is adapted to persist with the potential effects of climate change, including more frequent droughts and increased average maximum temperatures. Smooth coneflower is typically found in open, sunny areas with little to no shade and high sun exposure. These sites often occur in fairly xeric conditions such as open woods, glades, barrens, roadsides, clear cuts, dry limestone bluffs, and road and power line ROWs. Even though smooth coneflower populations in NC experienced severe droughts in 2007 and 2010, dry conditions did not negatively influence flower production (NCPCP 2018, entire). All natural populations in NC have survived through drought years and recovered. Despite some drought years, smooth

coneflower populations in SC have generally experienced positive trends over the last 20 years, indicating that the species is not negatively affected by droughts (White 2018, entire). Smooth coneflower plants have sustained populations for years on dry clay road cuts (White 2019, pers. comm.). Adaptations to survive in sunny areas likely benefit this species during drought conditions. Further, the perennial growth habitat and underground rhizomes likely allow smooth coneflower to be more resilient to drought conditions.

To generate future climate projections across the range of smooth coneflower, we used the National Climate Change Viewer (NCCV), a tool developed by the U.S. Geological Survey (USGS) that allows the user to view climate projections at the State, county, and watershed level (Alder and Hostetler 2017, entire;). The model simulates the response of the water balance to changes in temperature and precipitation in the climate models (30 separate models developed by the National Aeronautics and Space Administration). The NCCV also provides access to comprehensive summary reports for States, counties, and watersheds.

Using the NCCV and using Representative Concentration Pathways (RCP) greenhouse gas emission scenarios (RCP 4.5 and 8.5) as possible outcomes, we calculated projected annual mean changes for maximum air temperature and precipitation for the period 2050–2074 in VA, NC, SC, and GA. Based on these results, all four States within the range of smooth coneflower will be subjected to higher maximum air temperatures (annual mean increase of 1.9–2.2 degrees Celsius (°C) (3.4–4.0 degrees Fahrenheit (°F)) for RCP 4.5; 2.7–3.2 °C (4.9–5.8 °F) for RCP 8.5) and slightly higher precipitation (annual mean increase of 0.57–0.74 centimeters (cm)/month (mo) (0.22–0.3 inches (in)/mo) for RCP 4.5; 0.51–0.76 cm/mo (0.2–0.3 in/mo) for RCP 8.5) relative to 1981–2010 (Alder and Hostetler 2017, entire). In general, across the species' range for both RCP 4.5 and 8.5, runoff is expected to remain at a similar levels or decrease slightly; soil water storage is expected to decrease slightly, and evaporative deficit will increase slightly (Alder and Hostetler 2017, entire). Because the average annual increase in precipitation is predicted to be only slightly higher, the increased evaporative deficit and the loss in runoff and soil storage is primarily a result of higher maximum and minimum air temperatures. Despite the slight increase in predicted precipitation, the coincident warming

means that habitats are unlikely to maintain their current levels of moisture and will become slightly drier.

To evaluate the vulnerability of smooth coneflower to the effects of climate change, we also used NatureServe's Climate Change Vulnerability Index (CCVI) (Young et al. 2015, entire), a climate change model that uses downscaled climate predictions from tools such as Climate Wizard (Girvetz et al. 2009, entire) and combines these with readily available information about a species' natural history, distribution, and landscape circumstances to predict whether it will likely suffer a range contraction and/or population reductions due to the effects of climate change. The tool gauges 20 scientifically documented factors and indicators of these components, as well as documented responses to climate change where they exist. The CCVI generated a vulnerability rating of "moderately vulnerable" for smooth coneflower, suggesting that the species' abundance and/or range extent is likely to decrease by 2050. Factors influencing the species' moderate vulnerability include its restricted dispersal ability, anthropogenic barriers, predicted land use changes, dependence on a specific disturbance regime (often fire), and restriction to uncommon geological features.

Although the model suggested that smooth coneflower is sensitive to climate change and could be adversely affected in future years, there are a number of weaknesses associated with the CCVI (Anacker and Leidholm 2012, pp. 16–17). The specific weaknesses identified are: (1) The CCVI is weighted too heavily towards direct exposure to climate change (projected changes to future temperature and precipitation conditions that have high levels of uncertainties); (2) some important plant attributes are missing (mating system and pollinator specificity); (3) it is very difficult to complete scoring for a given species because some information is simply lacking; and (4) some scoring guidelines are too simplistic (Anacker and Leidholm 2012, pp. 16–17).

Anacker and Leidholm (2012, pp. 12–16) considered topographic complexity to be a potential complementary factor in assessing vulnerability to climate change. Within smooth coneflower's range, the Appalachian and Allegheny mountains have been predicted to have slightly higher temperature changes as a result of climate change than the piedmont and coastal plain counties, so smooth coneflower populations in the mountains on the north end of the range may be more vulnerable when

compared to those that occur, for example, in the coastal plain.

In summary, while smooth coneflower is considered moderately vulnerable to range contraction from future climate change, the predicted temperature and precipitation changes for both moderate (RCP 4.5) and extreme (RCP 8.5) scenarios indicate only slightly hotter and drier conditions by 2074. Therefore, climate change is not likely a major factor affecting the species' resiliency into the foreseeable future.

Stochastic Events

Stochastic events (environmental and genetic stochasticity) could affect populations of smooth coneflower. Environmental stochasticity refers to variation in recruitment and mortality rates in response to weather, disease, competition, predation, or other factors external to the population. While drought (below average rainfall over a time period greater than the historical range of variability) and the timing and amount of rainfall are likely important factors in seed germination and establishment of smooth coneflower, we do not have any evidence of how these factors directly affect this species. Smooth coneflower soil seed banks are low to nonexistent, which could exacerbate the potential effects of stochastic events because the species does not have the seed bank to rely on for future recruitment (Walker 2009, p. 12); however, we have not yet observed that the low seedbank has affected resilient populations. With regard to genetic stochasticity, smooth coneflower populations have significant levels of population diversity and exhibit substantial population genetic differentiation (Peters et al. 2009, p. 12) (see *Genetics*, above). We cannot conclude that either environmental or genetic stochasticity poses a threat to the smooth coneflower.

Cumulative Effects

The cumulative effects of encroaching development adjacent to protected sites could affect the smooth coneflower, and the management challenges that accompany that threat will continue to affect the species into the future. Increasing development adjacent to protected sites will likely lead to decreases in managing with prescribed burning in the future, which may or may not be replaced with adequate and appropriate habitat management by other means that are more expensive than managing with fire. The type of development also factors into management ability and flexibility, with major roads and places with vulnerable

populations weighing more heavily on the decision of if/when to burn than other types of development.

Determination of Smooth Coneflower's Status

As discussed above in Summary of Factors Affecting the Species, section 4 of the Act (16 U.S.C. 1533) defines "endangered species" as a species that is in danger of extinction throughout all or a significant portion of its range, and "threatened species" as a species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. The Act requires that we determine whether a species meets the definition of endangered species or threatened species because of any of the following factors: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its continued existence.

Foreseeable Future

As also described above, the term "foreseeable future" extends only so far into the future as the Service can reasonably determine that both the future threats and the species' responses to those threats are likely. Data that are typically relevant to assessing the species' biological response include species-specific factors such as lifespan, reproductive rates or productivity, certain behaviors, and other demographic factors.

We considered a foreseeable future of 20–30 years as the period of time over which we are able to reliably predict the magnitude of threats, including a changing climate, and the effects on smooth coneflower. Threats that are reasonably likely to affect the species in the foreseeable future include habitat loss due to development pressure on private lands and habitat succession due to lack of adequate management, including fire suppression near or on private lands and accidental mowing and herbicide application from roadside maintenance activities. Thus, all populations of smooth coneflower that are not actively managed or formally protected remain at risk of extirpation in the future. A 20–30 year timeframe is the expected period over which implementation of management practices (such as prescribed fire) by conservation partners and tracking of the species' response to managed habitat improvement is reliable. For formally

protected populations, we expect management of the threat of fire suppression to continue as part of ongoing management well into the future. However, uncertainty regarding effects of a changing climate increases after 20–30 years, making reliable predictions after this time period difficult. Therefore, we used the 20–30 year timeframe in developing our projections of future conditions for smooth coneflower.

Status Throughout All of Its Range

After evaluating threats to the species and assessing the cumulative effect of the threats under the section 4(a)(1) factors, we find that smooth coneflower continues to face threats from habitat succession (resulting from lack of fire or other management), particularly in areas where development is increasing near existing populations, thus making fire management difficult. In addition, development pressure, especially for unprotected populations on private lands, remains a concern. We are concerned about long-term management because several populations do not have management plans or the management plans no longer reflect the best available science. Even populations occurring on protected land adjacent to private lands are becoming increasingly more difficult to manage due to neighbors' concerns about nearby fires and smoke pollution. Even with agreements in place to protect them, roadside and utility ROW populations still face threats from maintenance activities, especially herbicide spraying and mowing. The decline or disappearance of some smooth coneflower populations across the range of the species has been documented in Natural Heritage Program records and is attributed to habitat loss. Habitat loss (Factor A) is considered to be a moderate threat currently and is expected to continue in the foreseeable future.

At the time of listing in 1992, there was concern that smooth coneflower plants would be collected for the horticulture or pharmaceutical trade (Factor B). However, we do not find that collecting is currently a threat to this species or is expected to be in the foreseeable future.

Disease and predation (Factor C) were not identified as a significant threat to smooth coneflower when the species was listed in 1992. Natural herbivory by insects and mammals may occur, but it is considered a low-magnitude threat because the species has sustained populations and there is no indication that the magnitude of an undetermined natural predation pressure significantly affects smooth coneflower survival. We

find that disease and predation are not currently threats to this species, and we do not expect them to be threats in the foreseeable future.

The existing regulatory mechanisms (Factor D) are not adequate to protect the smooth coneflower from development and habitat succession. Populations of smooth coneflower on USFS, DOD, and USDOE lands receive some protection by management protocols applicable to those lands. Some populations in NC, SC, and VA occur on State-owned lands managed by their respective Natural Heritage Programs or the NCDACS as "dedicated nature preserves." However, while NC, GA, and VA have plant protection laws, they only regulate the collection and trade of listed species and do not prohibit the destruction of populations on private lands or otherwise mandate protection. There is no State law protecting rare plants in SC.

Other natural and manmade factors affecting the continued existence (Factor E) of smooth coneflower identified at the time of listing (1992) include low genetic variability within populations, encroachment by exotic species, herbicide use, and the importance of periodic disturbance (addressed above under Factor A). Of these threats, encroachment by exotic (invasive) species, and use of herbicides to manage those exotic species, continue to be a threat to smooth coneflower populations. Since listing, climate change is another factor that has been identified. However, genetic studies, described in detail above under *Population Structure*, indicate that smooth coneflower displays a relatively high level of diversity and that populations may be able to respond to selection pressures and maintain viability due to continued genetic exchange sustained by the outcrossing mating system of the species. Based on the redundancy and representation of the species, we conclude that potential impacts associated with stochastic events are not a threat to smooth coneflower. Despite our uncertainty about the species' vulnerability to climate change, we do not consider climate change to be a threat to smooth coneflower based on the current resiliency of the species and its demonstrated tolerance to periods of drought.

Further, since the species' 1992 listing under the Act, smooth coneflower representation has increased with the discovery of new occurrences throughout the range of the species, especially with the new sites in the coastal plain of GA and SC. Our understanding of the species'

redundancy has improved as a result of increased survey efforts; the species is now known from 44 populations (up from 21 populations at the time of listing), 16 of which currently have high to medium resiliency. The number of resilient smooth coneflower populations has improved the species' redundancy. The species' representation is good, given the distribution of resilient populations over a four-State area. We believe that this improvement in the species' viability demonstrates that it is not currently in danger of extinction despite the persistence of the above-described threats.

In conclusion, based on our assessment of the best available scientific and commercial information, we find that while smooth coneflower populations continue to face threats from habitat loss and invasive species, and existing regulatory mechanisms are currently inadequate to protect some smooth coneflower populations from development and habitat succession; however, there are currently 16 protected, resilient smooth coneflower populations. Therefore, the species no longer meets the Act's definition of an endangered species, meaning it is not currently in danger of extinction throughout its range.

We, therefore, proceed with determining whether smooth coneflower meets the Act's definition of a threatened species. The ongoing threats of habitat loss, fragmentation, habitat succession, and encroachment of nonnative and invasive species are of sufficient imminence, scope, or magnitude to affect the resiliency of smooth coneflower populations for the foreseeable future. The species relies on management such as prescribed fire and mechanical clearing to maintain its habitat. However, management plans for most of the areas in which the species is protected are outdated, and it is uncertain how those plans are even being implemented. Threatened development near protected sites could impede management of those sites with fire. Adequate management commitments would need to be secured for more populations before the species could be delisted. Thus, after assessing the best available information, we conclude that although smooth coneflower is not currently in danger of extinction, it is likely to become in danger of extinction within the foreseeable throughout all of its range.

Status Throughout a Significant Portion of Its Range

Under the Act and our implementing regulations, a species may warrant listing if it is in danger of extinction or

likely to become so in the foreseeable future throughout all or a significant portion of its range. The court in *Center for Biological Diversity v. Everson*, 2020 WL 437289 (D.D.C. Jan. 28, 2020) (*Center for Biological Diversity*), vacated the aspect of our Final Policy on Interpretation of the Phrase "Significant Portion of Its Range" in the Endangered Species Act's Definitions of "Endangered Species" and "Threatened Species" (79 FR 37578; July 1, 2014) that provided that the Service and the National Marine Fisheries Service do not undertake an analysis of significant portions of a species' range if the species warrants listing as threatened throughout all of its range. Therefore, we proceed to evaluating whether the species is endangered in a significant portion of its range—that is, whether there is any portion of the species' range for which both (1) the portion is significant; and (2) the species is in danger of extinction in that portion.

Depending on the rule, it might be more efficient for us to address the "significance" question or the "status" question first. Regardless of which question we address first, if we reach a negative answer with respect to the first question, we do not need to evaluate the other question for that portion of the species' range.

In undertaking this analysis for the smooth coneflower, we choose to address the status question first—we consider information pertaining to the geographic distribution of both the species and the threats that the species faces to identify any portions of the range where the species is endangered.

For smooth coneflower, we considered whether the threats are geographically concentrated in any portion of the species' range at a biologically meaningful scale. We examined the following threats: Habitat succession, habitat loss, and invasive species, as well as the cumulative effects of these threats. Smooth coneflower populations on private lands face the threat of development. The decline or disappearance of some smooth coneflower populations across the range of the species has been documented in Natural Heritage Program records and is attributed to habitat loss. Further, encroachment by invasive species, which is most prevalent in disturbed areas, such as highway ROWs or utility corridors, occurs throughout the smooth coneflower's range. We found no concentration of threats in any portion of the smooth coneflower's range at a biologically meaningful scale. Thus, there are no portions of the species' range where the species has a different

status from its rangewide status. Therefore, it is unnecessary for us to determine whether any portion of the species' range is significant. This is consistent with the courts' holdings in *Desert Survivors v. Department of the Interior*, No. 16-cv-01165-JCS, 2018 WL 4053447 (N.D. Cal. Aug. 24, 2018), and *Center for Biological Diversity v. Jewell*, 248 F. Supp. 3d, 946, 959 (D. Ariz. 2017).

Determination of Status

Our review of the best available scientific and commercial information indicates that the smooth coneflower meets the Act's definition of a threatened species. Therefore, we propose to reclassify the smooth coneflower from an endangered species to a threatened species in accordance with sections 3(20) and 4(a)(1) of the Act.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. The Act encourages cooperation with the States and requires that recovery actions be implemented for all listed species. The protections required by Federal agencies and the prohibitions against certain activities are discussed, in part, below.

The primary purpose of the Act is the conservation of endangered and threatened species and the ecosystems upon which they depend. The ultimate goal of such conservation efforts is the recovery of these listed species, so that they no longer need the protective measures of the Act. Subsection 4(f) of the Act requires the Service to develop and implement recovery plans for the conservation of endangered and threatened species. The recovery planning process involves the identification of actions that are necessary to halt or reverse the species' decline by addressing the threats to its survival and recovery. The goal of this process is to restore listed species to a point where they are secure, self-sustaining, and functioning components of their ecosystem.

Revisions of the plan may be done to address continuing or new threats to the species, as new substantive information becomes available. The recovery plan identifies site-specific management actions that set a trigger for review of the five factors that control whether a species may be downlisted or delisted, and methods for monitoring recovery progress. Recovery plans also establish

a framework for agencies to coordinate their recovery efforts and provide estimates of the cost of implementing recovery tasks. All planning documents can be found on our website (<http://www.fws.gov/angered>) or from our Raleigh Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Implementation of recovery actions generally requires the participation of a broad range of partners, including other Federal agencies, States, Tribes, nongovernmental organizations, businesses, and private landowners. Examples of recovery actions include habitat restoration (e.g., restoration of native vegetation), research, propagation and reintroduction, and outreach and education. The recovery of many listed species cannot be accomplished solely on Federal lands because their range may occur primarily or solely on non-Federal lands (like TNC preserves and county owned nature preserves). To achieve recovery of these species requires cooperative conservation efforts on private, State, and Tribal lands where appropriate. Funding for recovery actions could become available from a variety of sources, including Federal budgets, State programs, and cost share grants from non-Federal landowners, the academic community, and nongovernmental organizations. We invite you to submit any new information on this species whenever it becomes available (see **FOR FURTHER INFORMATION CONTACT**).

Section 7(a) requires Federal agencies to evaluate their actions with respect to any species that is listed as an endangered or threatened species. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(2) of the Act requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of the species. If a Federal action may affect a listed species, the responsible Federal agency must enter into consultation with the Service.

Proposed Rule Under Section 4(d) of the Act

Background

Section 4(d) of the Act contains two sentences. The first sentence states that the Secretary shall issue such regulations as he deems necessary and advisable to provide for the conservation of species listed as threatened. The U.S. Supreme Court has noted that statutory language like “necessary and advisable” demonstrates a large degree of deference to the agency (see *Webster v. Doe*, 486 U.S. 592

(1988)). Conservation is defined in the Act to mean the use of all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided pursuant to the Act are no longer necessary. Additionally, the second sentence of section 4(d) of the Act states that the Secretary may by regulation prohibit with respect to any threatened species any act prohibited under section 9(a)(1) of the Act, in the case of fish or wildlife, or section 9(a)(2) of the Act, in the case of plants. Thus, the combination of the two sentences of section 4(d) provides the Secretary with wide latitude of discretion to select and promulgate appropriate regulations tailored to the specific conservation needs of the threatened species. The second sentence grants particularly broad discretion to the Service when adopting the prohibitions under section 9 of the Act.

The courts have recognized the extent of the Secretary’s discretion under this standard to develop rules that are appropriate for the conservation of a species. For example, courts have upheld rules developed under section 4(d) as a valid exercise of agency authority where they prohibited take of threatened wildlife or include a limited taking prohibition (see *Alesea Valley Alliance v. Lautenbacher*, 2007 U.S. Dist. Lexis 60203 (D. Or. 2007); *Washington Environmental Council v. National Marine Fisheries Service*, 2002 U.S. Dist. Lexis 5432 (W.D. Wash. 2002)). Courts have also upheld 4(d) rules that do not address all of the threats a species faces (see *State of Louisiana v. Verity*, 853 F.2d 322 (5th Cir. 1988)). As noted in the legislative history when the Act was initially enacted, “once an animal is on the threatened list, the Secretary has an almost infinite number of options available to him with regard to the permitted activities for those species. He may, for example, permit taking, but not importation of such species, or he may choose to forbid both taking and importation but allow the transportation of such species” (H.R. Rep. No. 412, 93rd Cong., 1st Sess. 1973).

Exercising this authority under section 4(d), we have developed a proposed rule that is designed to address smooth coneflower’s specific threats and conservation needs. Although the statute does not require the Service to make a “necessary and advisable” finding with respect to the adoption of specific prohibitions under section 9, we find that this rule as a whole satisfies the requirement in section 4(d) of the Act to issue regulations deemed necessary and

advisable to provide for the conservation of the smooth coneflower.

As discussed above under Summary of Factors Affecting the Species, we have concluded that the smooth coneflower is likely to become in danger of extinction within the foreseeable future primarily due to the present or threatened destruction, modification, or curtailment of its habitat or range (specifically due to fire suppression and subsequent ecological succession and development, and encroachment from invasive species).

Specifically, a number of activities have the potential to affect the smooth coneflower, including land clearing for development, fire suppression, and herbicide application to highway and utility ROWs. Regulating these activities, including prohibiting those activities related to removing, damaging, or destroying smooth coneflowers, would provide for conservation of the species by helping to preserve remaining populations, slowing their rate of potential decline, and decreasing synergistic, negative effects from other stressors. Prohibiting import and export, transportation, and commerce of smooth coneflower limits unauthorized propagation and distribution, which prevents potential hybridization with other species of *Echinacea* and subsequent inbreeding depression. As a whole, the proposed 4(d) rule would help in the efforts to recover the species.

The provisions of this proposed 4(d) rule would promote conservation of smooth coneflower by encouraging management of the landscape in ways that meet both land management considerations and the conservation needs of the smooth coneflower, specifically by providing exceptions for incidental take for State agency conservation actions, scientific permits for research, and use of cultivated-origin seeds for education. The provisions of this proposed rule are one of many tools that we would use to promote the conservation of the smooth coneflower. This proposed 4(d) rule would apply only if and when we make final the reclassification of the smooth coneflower as a threatened species.

Provisions of the Proposed 4(d) Rule

This proposed 4(d) rule would provide for the conservation of the smooth coneflower by prohibiting the following activities, except as otherwise authorized or permitted: Importing or exporting; certain acts related to removing, damaging, and destroying; delivering, receiving, carrying, transporting, or shipping in interstate or foreign commerce in the course of commercial activity; and selling or

offering for sale in interstate or foreign commerce.

We may issue permits to carry out otherwise prohibited activities, including those described above, involving threatened plants under certain circumstances. Regulations governing permits are codified at 50 CFR 17.72. With regard to threatened plants, a permit may be issued for the following purposes: For scientific purposes, to enhance propagation or survival, for economic hardship, for botanical or horticultural exhibition, for educational purposes, or for other purposes consistent with the purposes of the Act. Additional statutory exemptions from the prohibitions are found in sections 9 and 10 of the Act.

We recognize the special and unique relationship with our State natural resource agency partners in contributing to conservation of listed species. State agencies often possess scientific data and valuable expertise on the status and distribution of endangered, threatened, and candidate species of wildlife and plants. State agencies, because of their authorities and their close working relationships with local governments and landowners, are in a unique position to assist us in implementing all aspects of the Act. In this regard, section 6 of the Act provides that we shall cooperate to the maximum extent practicable with the States in carrying out programs authorized by the Act. Therefore, as set forth at 50 CFR 17.71(b) and proposed as an exception to the prohibitions in this 4(d) rule, any employee or agent of the Service or of a State conservation agency that is operating a conservation program pursuant to the terms of a cooperative agreement with the Service in accordance with section 6(c) of the Act, who is designated by that agency for such purposes, would be allowed, when acting in the course of official duties, to remove and reduce to possession from areas under Federal smooth coneflowers that are covered by an approved cooperative agreement to carry out conservation programs. In addition, in accordance with 50 CFR 17.61(c)(2) through (4), any employee or agent of the Service, any other Federal land management agency, or a State conservation agency, who is designated by that agency for such purposes, would be able to, when acting in the course of official duties, remove and reduce to possession endangered plants from areas under Federal jurisdiction without a permit to care for a damaged or diseased specimen, or to salvage or dispose of a dead specimen.

We also recognize the beneficial and educational aspects of activities with

seeds of cultivated plants, which generally enhance the propagation of the species, and therefore would satisfy permit requirements under the Act. We intend to monitor the interstate and foreign commerce and the import and export of these specimens in a manner that will not inhibit such activities, providing the activities do not represent a threat to the survival of the species in the wild. In this regard, seeds of cultivated specimens would not be regulated provided that a statement that the seeds are of "cultivated origin" accompanies the seeds or their container (*e.g.*, the seeds could be moved across State lines or between territories for purposes of seed banking or use for outplanting without additional regulations).

Nothing in this proposed 4(d) rule would change in any way the recovery planning provisions of section 4(f) of the Act, the consultation requirements under section 7 of the Act, or our ability to enter into partnerships for the management and protection of smooth coneflower. However, interagency cooperation may be further streamlined through planned programmatic consultations for the species between us and other Federal agencies, where appropriate. We ask the public, particularly State agencies and other interested stakeholders that may be affected by the proposed 4(d) rule, to provide comments and suggestions regarding additional guidance and methods that we could provide or use, respectively, to streamline the implementation of this proposed 4(d) rule (see Information Requested, above).

Effects of This Proposed Rule

This proposed rule, if made final, would revise 50 CFR 17.12(h) to reclassify the smooth coneflower from endangered to threatened on the Federal List of Endangered and Threatened Plants. It would also recognize that this plant is no longer in danger of extinction throughout all or a significant portion of its range. This reclassification does not significantly change the protections afforded to this species under the Act. The prohibitions and conservation measures provided by the Act, particularly through sections 7 and 9, would continue to apply to the smooth coneflower. Federal agencies are required to consult with the Service under section 7 of the Act in the event that activities they authorize, fund, or carry out may affect the smooth coneflower.

As applicable, recovery actions directed at the smooth coneflower will continue to be implemented as outlined in the recovery plan for this plant

(USFWS 1995). Highest priority actions (also recommended as future actions in our 5-year review (USFWS 2011, pp. 13–14)) include: (1) Continue to work with partners to strengthen management plans for protected smooth coneflower populations so they will better contribute to the recovery of the species; (2) continue conducting comprehensive surveys for this species within traditional and non-traditional sites to determine more details on abundance and distribution of the species; (3) develop stronger monitoring protocols and continue long-term monitoring that will demonstrate stability of populations; (4) promote conservation agreements with private landowners to protect and enhance existing populations; (5) work closely with landowners to ensure the protection of the species and management of its habitat on private lands; (6) develop propagation and outplanting protocols according to Center for Plant Conservation guidelines; and (7) continue to conduct research on general biology of the species including genetics, life history, and reproductive biology (breeding systems, seed production, and seedling survivorship).

Required Determinations

Clarity of the Rule

We are required by Executive Orders 12866 and 12988 and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must:

- (1) Be logically organized;
- (2) Use the active voice to address readers directly;
- (3) Use clear language rather than jargon;
- (4) Be divided into short sections and sentences; and
- (5) Use lists and tables wherever possible.

If you feel that we have not met these requirements, send us comments by one of the methods listed in **ADDRESSES**. To better help us revise the rule, your comments should be as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that are unclearly written, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

National Environmental Policy Act (42 U.S.C. 4321 *et seq.*)

We have determined that environmental assessments and environmental impact statements, as defined under the authority of the National Environmental Policy Act,

need not be prepared in connection with determining and implementing a species' listing status under the Endangered Species Act. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244).

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994, "Government-to-Government Relations with Native American Tribal Governments" (59 FR 22951), Executive Order 13175, and the Department of the Interior's manual at 512 DM 2, we readily acknowledge our responsibility to communicate meaningfully with recognized Federal Tribes on a government-to-government basis. We have determined that there are no Tribal interests affected by this proposal.

References Cited

A complete list of references cited in this rulemaking is available on the internet at <http://www.regulations.gov>

and upon request from the Raleigh Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Authors

The primary authors of this document are staff members of the Fish and Wildlife Service's Species Assessment Team and the Raleigh Ecological Services Field Office.

Signing Authority

The Director, U.S. Fish and Wildlife Service, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the U.S. Fish and Wildlife Service. Martha Williams, Principal Deputy Director Exercising the Delegated Authority of the Director, U.S. Fish and Wildlife Service, approved this document on June 14, 2021, for publication.

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and

recordkeeping requirements, Transportation.

Proposed Regulation Promulgation

Accordingly, we propose to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

■ 1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 1531–1544; and 4201–4245, unless otherwise noted.

■ 2. Amend § 17.12, in paragraph (h), by revising the entry "*Echinacea laevigata*" under FLOWERING PLANTS in the List of Endangered and Threatened Plants to read as follows:

§ 17.12 Endangered and threatened plants.

* * * * *
(h) * * *

Scientific name	Common name	Where listed	Status	Listing citations and applicable rules
FLOWERING PLANTS				
* <i>Echinacea laevigata</i>	* Smooth coneflower	* Wherever found	* T	* 57 FR 46340, 10/8/1992; [Federal Register citation of final rule]; 50 CFR 17.73(f). ^{4d}
*	*	*	*	*

■ 3. Add § 17.73 to read as follows:

§ 17.73 Special rules—flowering plants.

- (a)–(e) [Reserved].
- (f) *Echinacea laevigata* (smooth coneflower)—(1) *Prohibitions*. The following prohibitions that apply to endangered plants also apply to *Echinacea laevigata*. Except as provided under paragraph (f)(2) of this section, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit, or cause to be committed, any of the following acts in regard to this species:
 - (i) Import or export, as set forth at § 17.61(b) for endangered plants.
 - (ii) Remove and reduce to possession from areas under Federal jurisdiction, as set forth at § 17.61(c)(1) for endangered plants.

- (iii) Maliciously damage or destroy the species on any areas under Federal jurisdiction, or remove, cut, dig up, or damage or destroy the species on any other area in knowing violation of any State law or regulation or in the course of any violation of a State criminal trespass law, as set forth at section 9(a)(2)(B) of the Act.
- (iv) Engage in interstate or foreign commerce in the course of commercial activity, as set forth at § 17.61(d) for endangered plants.
- (v) Sell or offer for sale, as set forth at § 17.61(e) for endangered plants.
- (2) *Exceptions from prohibitions*. In regard to *Echinacea laevigata*, you may:
 - (i) Conduct activities, including activities prohibited under paragraph (f)(1) of this section, if they are authorized by a permit issued in accordance with the provisions set forth at § 17.72.

- (ii) Conduct activities authorized by a permit issued under § 17.62 prior to the effective date of the final rule for the duration of the permit.
- (iii) Remove and reduce to possession from areas under Federal jurisdiction, as set forth at § 17.61(c)(2) through (4) for endangered plants and § 17.71(b).
- (iv) Engage in any act prohibited under paragraph (f)(1) of this section with seeds of cultivated specimens, provided that a statement that the seeds are of "cultivated origin" accompanies the seeds or their container.

Madonna Baucum,
Regulations and Policy Chief, Division of Policy, Economics, Risk Management, and Analytics, Joint Administrative Operations, U.S. Fish and Wildlife Service.

[FR Doc. 2021–12951 Filed 6–23–21; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****50 CFR Part 17**

[Docket No. FWS-R4-ES-2019-0071;
FF09E22000 FXES1113090000 201]

RIN 1018-BE00

Endangered and Threatened Wildlife and Plants; Removal of *Chrysopsis floridana* (Florida Golden Aster) From the Federal List of Endangered and Threatened Plants

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), propose to remove the Florida golden aster (*Chrysopsis floridana*), a short-lived perennial, from the Federal List of Endangered and Threatened Plants (List) due to recovery (delist). This determination is based on our evaluation of the best available scientific and commercial information, which indicates that the threats to the species have been eliminated or reduced to the point that the species has recovered and no longer meets the definition of a threatened or endangered species under the Endangered Species Act of 1973, as amended (Act). If this proposal is finalized, the Florida golden aster will be removed from the List.

DATES: We will accept comments received or postmarked on or before August 23, 2021. Comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES**, below) must be received by 11:59 p.m. Eastern Time on the closing date. We must receive requests for public hearings, in writing, at the address shown in **FOR FURTHER INFORMATION CONTACT** by August 9, 2021.

ADDRESSES: You may submit comments on this proposed rule by one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal: <http://www.regulations.gov>. In the Search box, enter FWS-R4-ES-2019-0071, which is the docket number for this rulemaking. Then, click on the Search button. On the resulting page, in the Search panel on the left side of the screen, under the Document Type heading, check the Proposed Rules box to locate this document. You may submit a comment by clicking on "Comment."

(2) *By hard copy:* Submit by U.S. mail to: Public Comments Processing, Attn: FWS-R4-ES-2019-0071, U.S. Fish and Wildlife Service, MS: JAO (PRB/3W),

5275 Leesburg Pike, Falls Church, VA 22041-3803.

We request that you send comments only by the methods described above. We will post all comments on <http://www.regulations.gov>. This generally means that we will post any personal information you provide us (see *Public Comments*, below, for more information).

Document availability: The proposed rule and supporting documents (including the Species Status Assessment (SSA), post delisting monitoring plan, list of references cited, and 5-year review) are available at <http://www.regulations.gov> under Docket No. FWS-R4-ES-2019-0071. We will notify the public on our website, <https://www.fws.gov/northflorida/>, when these documents are available.

FOR FURTHER INFORMATION CONTACT: Jay Herrington, Field Supervisor, U.S. Fish and Wildlife Service, North Florida Ecological Services Field Office, 7915 Baymeadows Way, Jacksonville, FL 32256; telephone 722-469-4251. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service at 800-877-8339.

SUPPLEMENTARY INFORMATION:

Information Requested

We intend that any final action resulting from this proposed rule will be based on the best scientific and commercial data available and be as accurate and as effective as possible. Therefore, we request comments or information from other concerned governmental agencies, Native American Tribes, the scientific community, industry, or any other interested parties concerning this proposed rule.

We particularly seek comments on:

- (1) Information concerning the biology and ecology of the Florida golden aster;
- (2) Relevant data concerning any threats (or lack thereof) to the Florida golden aster, particularly any data on the possible effects of climate change as it relates to habitat, the extent of State protection, and management that would be provided to this plant as a delisted species;
- (3) Current or planned activities within the geographic range of the Florida golden aster that may negatively impact or benefit the species; and
- (4) Any new information about this species and threats from invasive plants.

Please include sufficient information with your submission (such as scientific journal articles or other publications) to allow us to verify any scientific or commercial information you include.

Please note that submissions merely stating support for or opposition to the action under consideration without providing supporting information, although noted, will not be considered in making a determination, as section 4(b)(1)(A) of the Act directs that determinations as to whether any species is an endangered or a threatened species must be made "solely on the basis of the best scientific and commercial data available."

You may submit your comments and materials concerning this proposed rule by one of the methods listed in **ADDRESSES**. We request that you send comments only by the methods described 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 your submission is made via a hardcopy that includes personal identifying information, you may request at the top of your document that we withhold this 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>.

Comments and materials we receive, as well as supporting documentation we used in preparing this proposed rule, will be available for public inspection on <http://www.regulations.gov>.

Public Hearing

Section 4(b)(5) of the Act provides for a public hearing on this proposal, if requested. Requests must be received by the date specified in **DATES**. Such requests must be sent to the address shown in **FOR FURTHER INFORMATION CONTACT**. We will schedule a public hearing on this proposal, if requested, and announce the date, time, and place of the hearing, as well as how to obtain reasonable accommodations, in the **Federal Register** and local newspapers at least 15 days before the hearing. For the immediate future, we will provide these public hearings using webinars that will be announced on the Service's website, in addition to the **Federal Register**. The use of these virtual public hearings is consistent with our regulation at 50 CFR 424.16(c)(3).

Supporting Documents

A species status assessment (SSA) team prepared an SSA report for the Florida golden aster. The SSA team was composed of Service biologists, in consultation with other species experts. The SSA report represents a compilation of the best scientific and commercial data available concerning the status of the species, including the

impacts of past, present, and future factors (both negative and beneficial) affecting the species.

Peer Review

In accordance with our July 1, 1994, peer review policy (59 FR 34270; July 1, 1994), our August 22, 2016, Director's Memo on the Peer Review Process, and the Office of Management and Budget's December 16, 2004, Final Information Quality Bulletin for Peer Review (revised June 2012), we solicited independent scientific reviews of the information contained in the Florida golden aster SSA report. We sent the SSA report to six independent peer reviewers and received two responses. Results of this structured peer review process can be found at <https://www.fws.gov/northflorida/>. The SSA report was also submitted to our Federal, State, and Tribal partners for scientific review. We received review from two partners (Sheryl Bowman, Environmental Lands Management Coordinator, Hillsborough County, Lake Frances Field Office and Jennifer Possley, Conservation Team Leader/Field Biologist, Fairchild Tropical Botanic Garden). In preparing this proposed rule, we incorporated the results of these reviews, as appropriate, into the final SSA report.

Previous Federal Actions

The Florida golden aster was listed as endangered on May 16, 1986 (51 FR 17974), under the Act. On August 29, 1988, we released a recovery plan for the Florida golden aster. The recovery plan suggested that we consider the species for reclassification to threatened status when 10 geographically distinct self-sustaining populations of the plant are protected in Hardee, Hillsborough, Manatee, and Pinellas Counties, Florida. The latest 5-year review, completed March 20, 2017, indicated that the species' status was improving, assigned a Recovery Priority Number of 8 (indicating moderate degree of threat and high recovery potential), and recommended downlisting to threatened. The Service initiated the Florida golden aster SSA (see above) to aid in determining the appropriateness of reclassifying the species.

Background

A thorough review of the taxonomy, life history, ecology, and overall viability of the Florida golden aster is presented in the SSA report (USFWS 2018, available at <https://www.fws.gov/southeast/>). A summary of that information is presented here.

Florida golden aster is endemic to xeric (very dry) uplands east and

southeast of the Tampa Bay area of central Florida. The historical range of the Florida golden aster is thought to span parts of Hillsborough, Manatee, Pinellas, Highlands, and Hardee Counties, but the true extent of the historical range is uncertain because the ecosystems on which it occurs were rapidly converted to residential, commercial, and agricultural uses after settlement of the region. Agriculture began in 1880 with grazing and production of citrus and row crops. Residential and commercial activity began around 1840, mainly in the Tampa Bay area and beach communities through the 1940s and 1950s, but suburban and rural areas started expanding in the 1960s and 1970s and development has continued at a consistent rate. The species was first collected and described from a specimen in Manatee County in early 1901, with subsequent collections in Pinellas and Hillsborough Counties in the 1920s. The earliest known Manatee County and Pinellas County populations occurred in coastal areas of Bradenton Beach and St. Petersburg Beach. However, these populations have since been extirpated. The last remaining natural population known to occur in Pinellas County was discovered in 1983; however, a housing development eliminated all available habitat by 1985.

When the species was listed as endangered in 1986, nine known extant populations of the species occurred in five locations, all coastal, in southeastern Hillsborough County (Wunderlin et al. 1981, entire). Since listing of the species, increased survey efforts have resulted in the discovery of additional populations, including occurrences further inland. Many of the newly discovered locations have since been acquired as protected sites with active conservation management activities implemented to improve habitat conditions. As discussed below, introductions have occurred on conservation lands in Hardee, Hillsborough, Manatee, and Pinellas Counties. It is not known whether these introduction sites were historically occupied by the Florida golden aster, or if so, how long ago they supported natural populations.

Based on the most current surveys across the species' range (2006–2018), 30 known extant populations, natural and introduced, occur in 5 counties (Hardee—4, Highlands—1, Hillsborough—16, Manatee—5, and Pinellas—4). Populations were delineated using a 2-kilometers (km) separation distance between occurrences (see Current Condition, below, for more information). Of these,

25 populations occur entirely or mostly on 22 protected sites, meaning a site that has been acquired in fee simple and placed into long-term conservation, or a conservation easement or other binding land agreement by the site owner that shows a commitment to its conservation in perpetuity. In addition, all sites have a management agreement or plan both developed and implemented. None of the lands occupied by the Florida golden aster are federally owned or managed. The remaining five extant populations occur on private lands or along roadways or railroad lines.

The most recent surveys showed that just over half of the Florida golden aster individuals occurred in nine introduced populations at eight sites. The earliest introductions took place in 1986; of those 10 introduced populations, 3 are still extant in Hardee and Manatee Counties, while 7 others in Pinellas and Hillsborough Counties failed. Introductions were again initiated during 2008–2013, when Bok Tower Gardens introduced 6 additional populations in Hardee, Manatee, and Pinellas Counties, containing 24,825 plants (as of the most recent censuses, with about 12,000 in one population). All 6 populations had reached sizes >1,000 plants except for the populations at Duette Preserve (2 populations, North and South). However, given that the Duette populations were the most recently introduced populations (2013), have been growing rapidly, and are surrounded by ample habitat and little to no development, they should also reach sizes comparable to the other introduced populations.

According to the most recent surveys, approximately 50,000 individuals exist with over 90 percent occurring in the populations located on protected lands. Although this estimate is the best available information, it gives only an approximation of the true current abundance of the Florida golden aster because surveys are not conducted every year and are conducted differently by various biologists for different purposes. Moreover, population sizes fluctuate annually. Twelve of the 30 populations had more than 1,000 individual plants present when last observed. We note that a 56-km gap occurs between the easternmost naturally occurring population in Manatee County and the nearest naturally occurring population in Hardee County, and it is not presently known whether this gap is due to the lack of suitable habitat, lack of observation, a long-distance dispersal event, or fragmentation of a formerly continuous distribution.

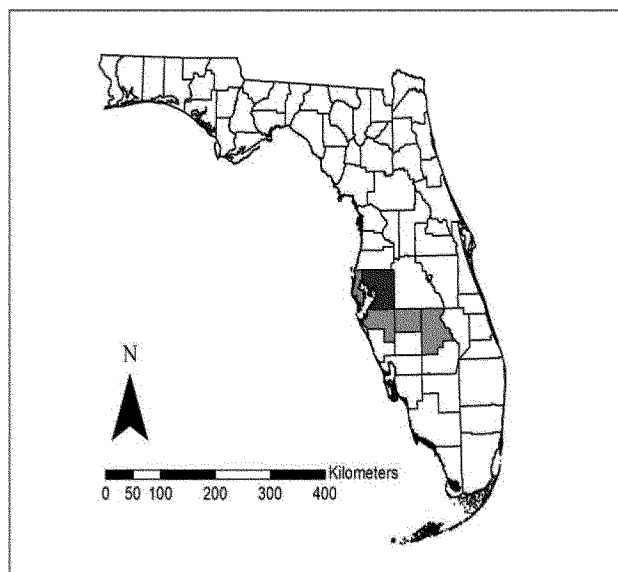


Figure 1. The five Florida counties where the Florida golden aster occurs as of 2017 are highlighted in gray, with Hillsborough County shaded darker gray. At the time of listing in 1986, populations of the Florida golden aster were known to occur only in Hillsborough County.

Regulatory and Analytical Framework

Regulatory Framework

Section 4 of the Act (16 U.S.C. 1533) and its implementing regulations (50 CFR part 424) set forth the procedures for determining whether a species is an “endangered species” or a “threatened species.” The Act defines an endangered species as a species that is “in danger of extinction throughout all or a significant portion of its range,” and a threatened species as a species that is “likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.” The Act requires that we determine whether any species is an “endangered species” or a “threatened species” because of any of the following factors:

- (A) The present or threatened destruction, modification, or curtailment of its habitat or range;
- (B) Overutilization for commercial, recreational, scientific, or educational purposes;
- (C) Disease or predation;
- (D) The inadequacy of existing regulatory mechanisms; or
- (E) Other natural or manmade factors affecting its continued existence.

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 consider these same five factors in reclassifying a species from endangered to threatened, and in delisting a species (50 CFR 424.11(c)–(e)).

We use the term “threat” to refer in general to actions or conditions that are known to or are reasonably likely to negatively affect individuals of a species. 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) does not necessarily mean that the species meets the statutory definition of an “endangered species” or a “threatened species.” In determining whether a species meets either definition, we must evaluate all identified threats by considering the species’ expected response and the effects of the threats—in light of those actions and conditions that will ameliorate the threats—on an individual, population, and species level. We evaluate each threat and its

expected effects on the species, then analyze the cumulative effect of all 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 will have positive effects on the species—such as any existing regulatory mechanisms or conservation efforts. The Secretary of the Interior determines whether the species meets the definition of an “endangered species” or a “threatened species” only after the Service conducts this cumulative analysis and describes the expected effect on the species now and in the foreseeable future.

The Act does not define the term “foreseeable future,” which appears in the statutory definition of “threatened species.” Our implementing regulations at 50 CFR 424.11(d) set forth a framework for evaluating the foreseeable future on a case-by-case basis. The term foreseeable future extends only so far into the future as we can reasonably determine that both the future threats and the species’ responses to those threats are likely. In other words, the foreseeable future is the period of time in which we can make reliable predictions. “Reliable” does not mean “certain”; it means sufficient to provide a reasonable degree of confidence in the prediction. Thus, a prediction is reliable if it is reasonable to depend on it when making decisions.

It is not always possible or necessary to define foreseeable future as a particular number of years. Analysis of the foreseeable future uses the best scientific and commercial data available and should consider the timeframes applicable to the relevant threats and to the species' likely responses to those threats in view of its life-history characteristics. Data that are typically relevant to assessing the species' biological response include species-specific factors such as lifespan, reproductive rates or productivity, certain behaviors, and other demographic factors.

Analytical Framework

The SSA report documents the results of our comprehensive biological review of the best scientific and commercial data regarding the status of the species, including an assessment of the potential threats to the species. The SSA report does not represent our decision on whether the species should be reclassified or delisted under the Act. It does, however, provide the scientific basis that informs our regulatory decisions, which involve the further application of standards within the Act and its implementing regulations and policies.

To assess Florida golden aster viability, we used the three conservation biology principles of resiliency, redundancy, and representation (Shaffer and Stein 2000, pp. 306–310). Briefly, resiliency supports the ability of the species to withstand environmental and demographic stochasticity (for example, wet or dry, warm or cold years); redundancy supports the ability of the species to withstand catastrophic events (for example, droughts, large pollution events), and representation supports the ability of the species to adapt over time to long-term changes in the environment (for example, climate changes). In general, the more resilient and redundant a species is and the more representation it has, the more likely it is to sustain populations over time, even under changing environmental conditions. Using these principles, we identified the species' ecological requirements for survival and reproduction at the individual, population, and species levels, and described the beneficial and risk factors influencing the species' viability.

The SSA process can be categorized into three sequential stages. During the first stage, we evaluate an individual species' life-history needs. During the next stage, we assess the historical and current condition of the species' demographics and habitat characteristics, including an

explanation of how the species arrived at its current condition. In the final stage, we make predictions about the species' responses to positive and negative environmental and anthropogenic influences. Throughout all of these stages, we use the best available information to characterize viability as the ability of a species to sustain populations in the wild over time. We use this information to inform our regulatory decision.

Summary of Biological Status and Threats

The Act directs us to determine whether any species is an endangered or a threatened species because of any factors affecting its continued existence. The following is a summary of the key results and conclusions from the SSA report; the full SSA report can be found on the Southeast Region website at <https://www.fws.gov/southeast/> and at <http://www.regulations.gov> under Docket No. FWS–R4–ES–2019–0071.

Summary of SSA Analysis

As described above, for a species to be viable there must be adequate redundancy (suitable number, distribution, and connectivity to allow the species to withstand catastrophic events), representation (genetic and environmental diversity to allow the species to adapt to changing environmental conditions), and resiliency (ability of a species to withstand unpredictable disturbance). Resiliency for Florida golden aster improves with maintained open habitat. Lambert and Menges (1996) recommend prescribed burning that mimics the historic burn pattern (frequent low-intensity fires in sandhill, less frequent burns in scrub, with fires primarily in late spring and summer) and periodic mechanical disturbance of the ground cover during late winter or early spring when seeds are dispersed. In the absence of fire, habitat openness can be maintained with mowing, hand removal of trees and shrubs near plants, or other mechanical treatments; populations have persisted along periodically mowed right of ways (e.g., underneath powerlines, along roads and railroads) for decades without a prescribed burn program. Populations must be suitably large and connected to provide a reservoir of individuals to cross-pollinate with, as plants will not self-fertilize, and to maintain levels of genetic diversity high enough to prevent harmful consequences from inbreeding depression and genetic drift (Ellstrand and Elam 1993). Redundancy improves with increasing numbers of populations, and connectivity (either natural or

human-facilitated) allows connected populations to “rescue” each other after catastrophes. Representation improves with increased genetic diversity and/or environmental conditions within and among populations.

Viability of the Florida golden aster has been and will continue to be impacted both negatively and positively by anthropogenic and natural influences. Historically, the primary threats to the Florida golden aster were habitat loss (resulting from human development) and habitat degradation due to lack of adequate habitat management. As threats to habitat have been alleviated via habitat protection and management, recovery has been further bolstered by captive propagation followed by introduction into unoccupied sites.

Summary of Factors Affecting the Species

Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

The main threat to this species at the time of listing was the destruction and modification of habitat. Habitat destruction, modification, and degradation on private lands and habitat degradation from lack of adequate habitat management on public lands remain the primary risk factor to the species. The five populations occurring on private lands remain subject to adverse human activity including mowing, dumping, off-road recreational vehicles use, and land clearing. However, these activities are no longer threats to the 25 populations on public conservation lands because of controlled access and restricted use.

Lack of management, especially the absence of periodic fire, historically led to habitat degradation throughout the species' range. The Florida golden aster occurs in open sandy patches that historically were maintained by fire under natural conditions. Without naturally ignited fires or prescribed fire applications, the habitat becomes overgrown, resulting in unfavorable conditions for the species' persistence. Ideal habitat management is generally regarded as prescribed burning that mimics the historical burn patterns (frequent low-intensity fires in sandhill, less frequent burns in scrub, with fires primarily in late spring and summer) and periodic mechanical disturbance of the ground cover during late winter or early spring when seeds are dispersed (Lambert and Menges 1996, pp. 121–137). Initial burning to restore the openness of degraded habitat involves frequent intense fires, after which

burning can be less intense and frequent to simply maintain the habitat. Failing to maintain open scrub habitat can disrupt Florida golden aster reproduction, survival, and dispersal (Lambert and Menges 1996, pp. 121–137).

As with habitat destruction and modification, this threat remains a concern mainly on private and non-conservation lands. Populations that occur on public conservation lands are often being managed to maintain optimal open scrub habitat. However, budget constraints, manageability, conflicting priorities, and other factors (weather, lack of equipment, staff shortages, etc.) may preclude proper management activities even on conservation lands. Additionally, proximity to urbanized areas can limit the number of days available for prescribed burns, and urbanization in the Tampa Bay area is increasing rapidly (Xian et al. 2005, pp. 920–928). To be optimal, burn days must have wind speeds and wind directions that do not unduly burden urbanized areas with smoke. For this reason, large rural tracts of habitat are easier to burn than small tracts tucked into developed areas. Increasing development could lead to further decreases in the ability to conduct prescribed burning in the future, which may or may not be replaced with adequate habitat management by other means (e.g., mowing) that are more expensive than using fire. The type of development also factors into management ability and flexibility, with major roads, schools, hospitals, retirement homes (places with vulnerable populations) weighing more heavily on the decision of if/when to burn than other types of development (Camposano 2018, pers. comm.).

Since the time of listing, conservation efforts for Florida golden aster and other scrub habitat species have reduced the threat of habitat destruction, modification, and degradation. These conservation efforts include acquiring properties where the species naturally occurs, introducing populations on conservation lands, and conducting ongoing habitat management on conservation lands (e.g., prescribed burning). While habitat destruction and modification may still occur on private lands, 83 percent of the sites are on public conservation lands and, therefore, for the most part, are adequately managed and protected. Land acquisitions and introductions have increased the number of established populations within the historical range and have resulted in the expansion of the species' known range. Further, if this rulemaking process

results in the species being delisted, it will remain listed as threatened under State laws. The State will develop a management plan and regulatory guidelines to monitor the species. Based on the best available information, we conclude that resources for necessary management activities on conservation lands will continue.

Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

At the time of listing, this species was not known to be threatened by commercial, recreational, scientific, or educational uses. This factor of the listing process continues not to be a threat to the Florida golden aster at this time.

Disease or Predation

Grazing by domestic livestock was initially identified as a stressor because the populations were on private lands and many of the properties were in cattle production. However, at present the 25 populations on conservation lands are not subject to any agriculture practices. No cattle grazing occurs on any of these properties. As to the populations on private lands, acquisition of scrub habitat containing Florida golden aster in Hardee County would allow proper management of these tracts, as has been initiated on public lands in Hillsborough County. Because Hardee County has extensive areas of improved pasture and unimproved pasture, we will assess the effect of cattle grazing on Florida golden aster habitat. Based on the information obtained from this assessment, we will be able to provide management recommendations to cattle ranchers to protect Florida golden aster on private property (Bok Tower Gardens 2020, p. 879). Therefore, we no longer consider grazing to be a threat.

Inadequacy of Existing Regulatory Mechanisms

The Florida Administrative Code 5B–40 (Preservation of Native Flora of Florida) provides the Florida Department of Agriculture and Consumer Services limited authority to protect plants on State and private lands (primarily from the standpoint of illegal harvest). Florida golden aster is listed as an Endangered Plant under this statute, which requires anyone wishing to “willfully harvest, collect, pick, remove, injure, or destroy any plant listed as endangered growing on the private land of another or on any public land or water” to “obtain the written permission of the owner of the land or water or his legal representative” (FAC

5B–40.003(1)(a)). A permit is also required to transport “for the purpose of sale, selling, or offering for sale any plant contained on the endangered plant list which is harvested from such person’s own property” (FAC 5B–40.003(1)(c)). The delisting of the Florida golden aster under the Act will not affect this State listing.

A number of sites, consisting of thousands of plants, are now under county and State protection. Specifically, Hillsborough County has purchased considerable acreage through the Endangered Land Acquisition and Protection Program (ELAPP), which contains several large populations. In 1987, Hillsborough County passed the Environmentally Sensitive Lands Ordinance that established the foundation for ELAPP. This program applies to nine populations on six sites in Hillsborough County. In 1990, this ordinance was amended and approved for another 20 years by increasing county taxes to allow additional funds to acquire conservation lands. In November 2008, voters approved the issuance of up to \$200 million in bonds for additional purchases.

ELAPP has worked with the Southwest Florida Water Management District and Florida Forever to jointly fund the acquisition of lands. Some of this money is also used for ELAPP to actively manage their properties to benefit Florida golden aster. Therefore, we find that the existing regulatory mechanisms would provide sufficient protections to the species and habitat after delisting, especially on public lands with ordinance protection. Currently, 27 sites where the species occurs are subject to Florida State law. These State and local protections have proven effective. For example, prescribed burning will continue through the ELAPP. Although we acknowledge that this could change in the future, we do not anticipate any future changes to the implementation of these programs at this time.

Other Natural or Manmade Factors Affecting Its Continued Existence

Our analyses under the Act include consideration of ongoing and projected changes in climate. The terms “climate” and “climate change” are defined by the Intergovernmental Panel on Climate Change (IPCC). A recent compilation of climate change and its effects is available from reports of the IPCC (IPCC 2014, entire). The term “climate change” thus refers to a change in the mean or variability of one or more measures of climate (e.g., temperature or precipitation) that persists for an extended period, typically decades or

longer, whether the change is due to natural variability, human activity, or both (IPCC 2007, p. 78). Various types of changes in climate can have direct or indirect effects on species. These effects may be positive, neutral, or negative and they may change over time, depending on the species and other relevant considerations, such as the effects of interactions of climate with other variables (e.g., habitat fragmentation) (IPCC 2007, pp. 8–14, 18–19). In our analyses, we use our expert judgment to weigh relevant information, including uncertainty, in our consideration of various aspects of climate change.

The IPCC concluded that the climate system is warming (Pachauri et al. 2014, entire). Effects associated with changes in climate have been observed, including changes in arctic temperatures and ice, widespread changes in precipitation amounts, ocean salinity, and wind patterns and aspects of extreme weather including droughts, heavy precipitation, heat waves, and the intensity of tropical cyclones (Pachauri et al. 2014, entire). Species that are dependent on specialized habitat types, limited in distribution, or at the extreme periphery of their range may be most susceptible to the impacts of climate change (Byers and Norris 2011, entire; Anacker et al. 2013, pp. 193–210). However, while continued change is certain, the magnitude and rate of change is unknown in many cases. The magnitude and rate of change could be affected by many factors (e.g., weather circulation patterns).

According to the IPCC, “most plant species cannot naturally shift their geographical ranges sufficiently fast to keep up with current and high projected rates of climate change on most landscapes” (IPCC 2014, p. 13). Plant species with restricted ranges may experience population declines as a result of the effects of climate change. The concept of changing climate can be meaningfully assessed both by looking into the future and reviewing past changes.

Using the National Climate Change Viewer and greenhouse gas emission scenario Representative Concentration Pathway (RCP) 8.5, we calculated projected annual mean changes in the period 1981–2010 to those projected for 2025–2049 for maximum temperature, precipitation, soil storage, and evaporative deficit in all counties where Florida golden aster occurs (Adler and Hostetler 2017, entire). We also calculated projected annual mean changes for a more conservative greenhouse gas emission scenario (RCP 4.5) using the same timeframes for maximum temperature, precipitation,

soil storage, and evaporative deficit in all counties where Florida golden aster occurs (Adler and Hostetler 2017, entire). Based on these results, all 13 counties within the range of Florida golden aster will be subjected to higher temperatures (annual mean increase of 2.6 degrees Fahrenheit (°F) (RCP 4.5) or 2.9 °F (RCP 8.5)) and slightly higher precipitation (annual mean increase of 0.1 inch per month (RCP 4.5) or 0.2 inch per month (RCP 8.5)) relative to the period of 1981–2010.

Additionally, climate change will likely influence Florida golden aster into the future by affecting habitat suitability and the ability to manage habitat with prescribed fire. Species that are dependent on specialized habitat types, limited in distribution (e.g., Florida golden aster), or at the extreme periphery of their range may be most susceptible to the impacts of climate change (Byers and Norris 2011, entire; Anacker et al. 2013, pp. 193–210). There is evidence that some terrestrial plant populations have been able to adapt and respond to changing climatic conditions (Franks et al. 2014, pp. 123–139). Both plastic (phenotypic change such as leaf size or phenology) and evolutionary (shift in allelic frequencies) responses to changes in climate have been detected. Given enough time, plants can alter their ranges, resulting in range shifts, reductions, or increases (Kelly and Goulden 2008, pp. 11823–11826; Loarie et al. 2008, p. 2502).

The climate in the Southeastern United States has warmed about 2 °F from a cool period in the 1960s and 1970s and is expected to continue to rise (Carter et al. 2014, pp. 396–417). Projections for future precipitation trends in the Southeast are less certain than those for temperature are, but suggest that overall annual precipitation will decrease, and that tropical storms will occur less frequently, but with more force (more category 4 and 5 hurricanes) than historical averages (Carter et al. 2014, pp. 396–417). Sea levels are expected to rise globally, potentially exceeding 1 m of sea level rise by 2100 (Reynolds et al. 2012, entire). Local sea level rise impacts depend not only on how much the ocean level itself is increasing, but also on land subsidence and/or changes in offshore currents (Carter et al. 2014, pp. 396–417), and impacts on terrestrial ecosystems can occur via submergence of habitat during storm surges or permanently, salt water intrusion into the water table, and erosion. Of the current populations of the Florida golden aster, only one (Fort De Soto County Park, Pinellas County) is directly vulnerable to inundation from

0.3 meters of sea level rise, a reasonable estimate of sea level rise by 2050. Hotter and drier conditions in the future could lead to fewer days with optimal conditions for prescribed burning, which could lead to reduced habitat quality if land managers are unable to make up for the lack of burning with adequate mechanical treatment.

It is possible that there will be increases in the number of lightning strikes and sizes and severities of resulting fires, which could have a positive or negative effect on specific Florida golden aster populations. Hurricanes similarly could have positive or negative effects on the species. Prolonged flooding could harm populations, but the mechanical disturbance of trees being uprooted from flood events could improve habitat for colonizing species like the Florida golden aster (Menges and Johnson, pers. comm. 2017).

Other potential climate change effects include changes in temperature and precipitation. Projections for future precipitation trends in the Southeast are less certain than those for temperature, but suggest that overall annual precipitation will decrease. Hotter and drier conditions may complicate the ability to manage Florida golden aster with prescribed fires. Some terrestrial plant populations have been able to adapt and respond to changing climatic conditions (Franks et al. 2013, entire). Both plastic (phenotypic change such as leaf size or phenology) and evolutionary (shift in allelic frequencies) responses to changes in climate have been detected. Both can occur rapidly and often simultaneously (Franks et al. 2013, entire). However, relatively few studies are available that (1) directly examine plant responses over time, (2) clearly demonstrate adaptation or the causal climatic driver of these responses, or (3) use quantitative methods to distinguish plastic versus evolutionary responses (Franks et al. 2013, entire).

As noted earlier, only one population (Fort De Soto County Park, Pinellas County) is directly vulnerable to inundation from 0.3 meters of sea level rise, a reasonable estimate of sea level rise by 2050. We have no additional information or data regarding effects of climate change with respect to the Florida golden aster populations into the future; further research will be helpful to determine how this species responds directly to changes in temperature and water availability. However, from this information, we anticipate that effects to Florida golden aster from climate change will be limited and will not rise to the level of a threat.

Other influences not discussed in detail here, either because they are not thought to be a major threat or there is little information available, include invasive plant species like cogongrass (*Imperata cylindrica*), and future genetic consequences of small and/or translocated populations.

Synergistic Effects

Many of the stressors discussed in this analysis could work in concert with each other and result in a cumulative adverse effect to Florida golden aster, e.g., one stressor may make the species more vulnerable to other threats.

Synergistic interactions are possible between effects of climate change and effects of other threats, such as mowing, dumping, off-road recreational vehicle use, and land clearing. However, we currently do not have information to determine the likely effects of climate change on interaction/competition between species, or on drought conditions. Uncertainty about how different plant species will respond under a changing climate makes projecting possible synergistic effects of climate change on Florida golden aster speculative. However, the increases documented in the number of populations since the species was listed do not indicate that cumulative effects of various activities and stressors are affecting the viability of the species at this time. Based on our analysis of future stressors, we do not anticipate that cumulative effects will affect the viability of the species in the foreseeable future. Likewise, climate change, as discussed above, with hotter and drier conditions can add additional complexity to future prescribed burns. Available habitat in those tracts that are easier to burn, and that can be managed by other methods (e.g., mechanical manipulation) will be sufficient. Similarly, most of the potential stressors we identified either have not occurred to the extent originally anticipated at the time of listing or are adequately managed as described in this proposal to delist the species. In addition, we do not anticipate significant stressors to increase on publicly owned lands or lands that are managed for the species.

Current Condition

Delineating Populations

For the SSA, we delineated populations using a 2-km separation distance rule based on species expert opinion, resulting in 30 populations across 5 counties. This strategy differs from the 1-km separation distance rule that was used in the most recent 5-year review, which was based on

NatureServe's default criteria for defining plant populations (NatureServe 2004, entire). The team of species experts providing input on the SSA suspected that 1 km is likely an underestimate of the distances that gene flow can regularly occur via pollination. While the exact insect pollinators of the Florida golden aster are not known, studies on multiple bee species (major plant and *Chrysopsis* pollinators) demonstrate foraging distances that regularly exceed 1 km (Greenleaf et al. 2007, pp. 289–296; Hagler et al. 2011, p. 144).

Current Resiliency

Resiliency refers to the ability of populations to withstand stochastic events, whether demographic, environmental, or anthropogenic. Populations with low resiliency are highly vulnerable to stochastic events and face a high risk of extirpation within the next few decades. Populations with moderate resiliency are less likely to be extirpated within the next few decades, but require additional growth (with help of regular habitat management and/or restoration) to become more self-sustaining and resilient to stochastic events. Populations with high resiliency are unlikely to be extirpated within the next 30 years in the absence of catastrophes or significant declines in the quality of habitat management. Populations with very high resiliency are the most robust and resistant to stochastic fluctuations.

In the SSA, we assessed resiliency for each population using three factors: Population size, habitat protection, and area of available habitat. Other factors were considered that likely contribute to population resiliency, but data were not available to assess them over all or most of the populations including certain explicit measures of habitat quality, fire management, existence of land management plans, and population trends. While some past survey data are available for many populations, species experts did not feel comfortable comparing population counts across time periods. In many cases, differences in population sizes were likely not a result of increasing populations, but rather of differences in survey methodology, number of surveyors, and/or areas searched (e.g., surveyors who were more likely to visit known patches and not find new patches; alternately, a bias toward larger counts over time as old patches are revisited and additional patches are found). Nevertheless, we are confident that this population data demonstrates resiliency of the species. Regardless, this species has not been extensively studied; therefore, there was

some uncertainty in the SSA in precisely how these factors influenced the Florida golden aster population resiliency.

Population Size

Population size is both a direct contributor to resiliency and an indirect indicator of resiliency. Small populations are more susceptible to demographic and environmental stochastic events than larger populations. Small populations are also more likely to suffer from decreased fitness as a result of low genetic diversity from inbreeding or genetic drift (Willi et al. 2005, pp. 2255–2265). For Florida golden aster, large populations are more buffered from the effects of prescribed burning or other disturbances, which are necessary to maintain open habitat, but can temporarily reduce population sizes by killing plants. Indirectly, large population sizes are likely indicative of other conditions that contribute to population resiliency. For example, in the SSA, we did not have adequate data to assess habitat quality and the quality of management at all the Florida golden aster populations; therefore, we assumed large population sizes likely generally reflected good habitat quality and management (among other factors) compared to smaller populations, though this assumption may not hold in all cases.

We categorized populations into 4 size classes: <100 individuals, 100–500 individuals, 501–1,000 individuals, and >1,000 individuals. Each population size class was associated with one of the following baseline resiliency classes, respectively: Low, moderate, high, and very high (explained further below).

We chose the population size threshold between high and very high resiliency of 1,000 individuals because it is the typical population size used to rank element occurrences as having “excellent viability” and likely to persist for the next 20–30 years (NatureServe 2008, entire). This is a generic population size limit that was not specifically tailored to Florida golden aster with empirical data. Further support for using 1,000 individuals as the threshold for the highest resiliency category came from a study of 10-year extirpation rates for populations of varying sizes of 8 short-lived plant species in Germany (Matthies et al. 2004, pp. 481–488). In this study, for 7 of 8 species, the probability of population persistence increased with population size, and all populations of more than 1,000 individuals (flowering plants) persisted for the duration of the 10-year study.

We obtained the most recent size data for all 30 populations, with data collected as recently as 2018 for some populations, and no older than 2006 for any population. Population sizes have undoubtedly changed since the last surveys for those populations that have not been surveyed as recently, as populations fluctuate in response to management actions, time since management, environmental events, stochastic demographic processes, etc. Thus, the reported numbers reflect best available estimates for population sizes, rather than precise counts meant to represent actual current population sizes. According to the SSA, population sizes included all plants counted, whether flowering or not. Survey data for some populations provided separate counts for each life stage, but for many populations, survey data were simply numbers with no information about whether that number was only flowering plants, or all plants (USFWS 2017, p. 22). Using total plant numbers, and assuming that ambiguous counts were minimum counts of total plants in each population, we were conservative in our population counts. The alternative of assuming that ambiguous counts were of only flowering adult plants, when they may have included basal rosettes, would inflate population sizes in cases where the assumption was wrong.

Habitat Protection

Habitat was considered “protected” if it was acquired in fee simple and placed

into long-term conservation by a nongovernmental, local, State, or Federal entity, or a binding land agreement. Protected sites have management plans developed and being implemented. The effect of the degree of habitat protection on resiliency is discussed below.

Habitat Area Available

The Florida golden aster population sizes fluctuate, and can occur in high densities in small patches of habitat. However, as a general rule of thumb, for a given population size, a population covering a large area will be more resilient than a population covering a small area. A perturbation of the same size will have a proportionally larger effect on small-area populations than large-area populations. In assessing population resiliency, we considered the amount of habitat available rather than the amount of habitat occupied for two reasons. First, the amount of area occupied was very uncertain for most populations. Surveys are likely to return to known patches of the Florida golden aster, but new patches can be easily missed and it is likely that the data we had underestimates the true amount of area occupied by the Florida golden aster. Adding to the uncertainty, the most current spatial data for some populations came from 2006, and may no longer reflect the current distribution at those sites. Second, population footprints are not always static across available habitat; the Florida golden aster can spread into unoccupied areas

as populations grow, or shift across a landscape as different areas become more or less suitable or both. For this reason, we used the amount of habitat available for populations to occupy currently, grow into, or shift into as a factor contributing to population resiliency. We identified available habitat within a 2-km radius around known occurrences, consistent with the assumption we made about pollinator movement when delineating populations. We characterized the available habitat for populations as small or large, with 14.2 hectares as the threshold between the two groups. This value was selected based on natural breaks in the data and expert input.

Classifying Resiliency Based on the Selected Factors

Resiliency classes were based primarily on population size as described above, with four resiliency classes corresponding to four population size categories. Populations with fewer than 100 individuals were determined to have low resiliency. Within the three higher population size categories (100–500, 501–1,000, and >1,000 plants), populations were assigned a baseline resiliency score associated with their population size (moderate, high, or very high, respectively). This baseline score could then be lowered by either of the two other factors, habitat protection and habitat area available (Table 1).

TABLE 1—STRATEGY FOR ASSIGNING CURRENT RESILIENCY SCORES TO POPULATIONS OF FLORIDA GOLDEN ASTER

Population size (# plants)	Habitat protected	Habitat not protected	Habitat area available
<100	Low		Small. Large.
100–500	Low	Low	Small.
	Moderate	Low	Large.
501–1,000	Moderate	Moderate	Small.
	High	Moderate	Large.
>1,000	High	High	Small.
	Very High	High	Large.

Populations that occur on non-protected lands were assigned to the resiliency class one step lower than they would if they were on protected lands. By doing this, we did not mean to discount the importance of populations on non-protected lands to the viability of the species or imply that owners of these parcels are managing the land poorly or are harming the Florida golden aster. Large populations of Florida golden aster can be supported on private lands. For example, when

private landowners burn pasture to improve forage for cattle, they may improve habitat for Florida golden aster. However, even large populations of fire-adapted scrub plants can rapidly decline due to poor management (e.g., *Polygal lewtonii*, Weekley and Menges 2012, entire; *Warea carteri*, Quintana-Ascencio et al. 2011, entire), and these lands that are not protected for conservation are at higher risk of changes in management or land use that could harm Florida golden aster

populations. For populations that extend across property boundaries and contain individuals occurring on both protected and non-protected lands, we used the protection status that applied to the majority of individuals to classify the entire population.

Populations occupying or surrounded by a small area of available habitat were assigned to the resiliency class one step lower than they would if they existed within a larger area of available habitat, as they are less able to withstand and

recover from perturbations or shift across a landscape as habitat quality changes. For any populations experiencing both of these resiliency-reducing conditions (small habitat area on non-protected lands), their resiliency score was only reduced one step rather

than being reduced twice, once for each factor. The Duette populations were the most recently introduced populations (2013). They have been growing rapidly and are surrounded by ample habitat and little to no development; therefore, these two populations were projected to

increase from high to very high resiliency.

Summaries of the 30 delineated populations and their resiliency scores can be found in the SSA and in Table 2, below. In conclusion, resiliency scores remained stable.

TABLE 2—SUMMARY OF CURRENT RESILIENCY SCORES BY PROTECTED STATUS FOR FLORIDA GOLDEN ASTER

Resiliency class	All populations	Protected	Not protected
Very High	7	7	0
High	11	10	1
Moderate	6	5	1
Low	6	3	3

Current Redundancy and Representation

Redundancy for Florida golden aster is naturally low because it is an endemic species with a narrow range around the Tampa Bay region in Florida and Hardee County farther inland (with one population just across the border in Highlands County). The entire species' range spans five counties, with half of the populations occurring in Hillsborough County (Figure 2). The longest distance between two populations is 131 km. However, as this is a narrow-ranging endemic, the spatial distribution of populations across its range does confer a moderate amount of redundancy, defined as the ability of the species to withstand catastrophic events. Catastrophic events could include, among others, too frequent fires, droughts, disease outbreaks, or hurricanes with prolonged flooding, each of which have impacts at a

different spatial scale. No information is known about seedbank resiliency in the soil for this species; without knowing this, it is difficult to predict long-term impacts of catastrophes.

The 30 known populations are distributed in 3 main groupings. There is about 20–30 km between each of the groupings, providing a buffer around each that may protect them from catastrophic events affecting the others (e.g., disease outbreak, depending on transmission type and vectors). Within each geographic cluster, there are at least two highly or very highly resilient populations, which could serve as sources to naturally recolonize populations lost to catastrophic events. The Hardee-Highlands cluster has the lowest redundancy (two moderately resilient populations, six populations total) and is the most isolated from the other clusters. The Pinellas cluster has the next lowest redundancy of resilient

populations (3 highly resilient populations, 4 populations total), and the Hillsborough-Manatee cluster has the highest redundancy (13 resilient populations, 20 populations total). Another factor contributing to redundancy is the wide range of property ownership; with so many managing entities, the species as a whole is buffered against poor management of any one entity (e.g., due to budget issues or changing priorities). Based on the spatial distribution of resilient populations managed by a variety of entities across a narrow range, current redundancy is considered qualitatively to be low to moderate. Rather than solely relying on this rather subjective classification in assessing the current viability of the species characterizing current redundancy is most useful in comparison to redundancy under the future scenarios.

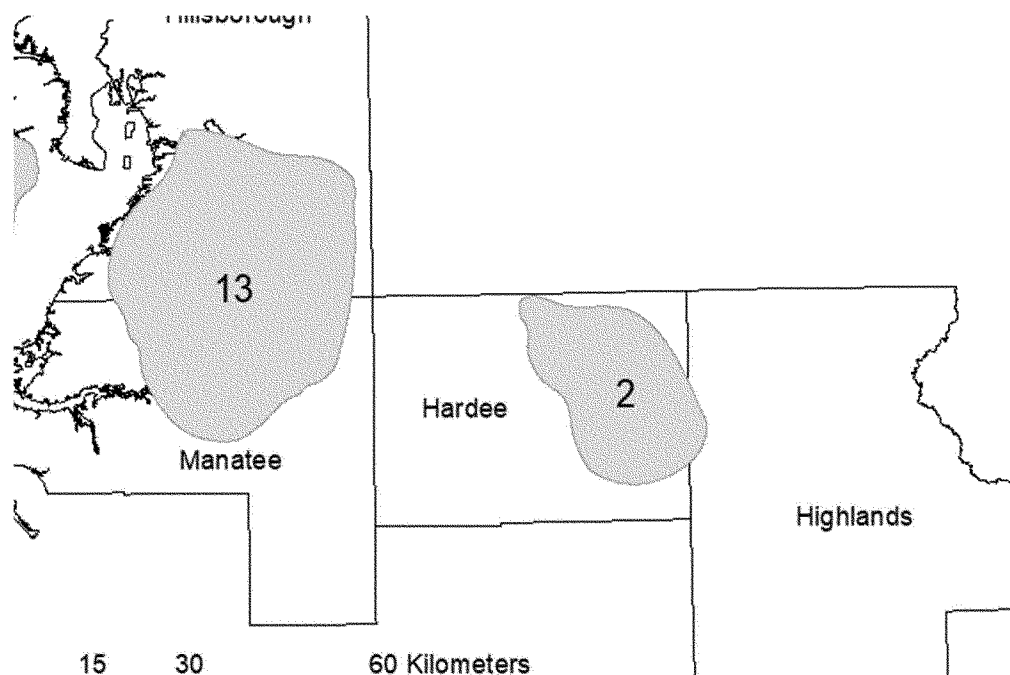


Figure 2. Spatial distribution of Florida golden aster populations in three main geographic clusters across five counties in Florida. The number of populations with high and very high resiliency is shown within each cluster.

Representative units for this species could not be defined based on available data, with representation defined as the ability of the species to adapt to changing environmental conditions. Species experts contributing to the SSA suspect that there might be representative units with different genetic adaptations associated with soil differences, elevation above the water table, fire regime, or habitat structure. However, there are no data currently to confirm or refute these hypotheses. Genetic studies have found little to no genetic clustering among populations, with 80 percent of observed genetic variation occurring within populations, and only 20 percent of the variation attributable to between-population differences (Markham 1998). These results support the existence of a single representative unit for the species. However, that study did not examine genetic markers known to be associated with adaptive traits. Vital rates and morphology were observed to differ between individuals from different source populations that were grown at Bok Tower Gardens and introduced to other sites (Campbell 2008). This observation provides evidence that there might be adaptive differences between different “types” of the Florida golden aster across the species’ range. However, without any firm evidence to define

representative units, we refrain from doing so here. Future research on the Florida golden aster genetics and life history and habitat differences can provide a more definitive basis for defining representative units in future iterations of the SSA.

Future Condition—Analytical Framework

For the SSA, we developed three plausible future scenarios under which to capture the breadth of all likely future variability and assess the future viability of Florida golden aster in terms of resiliency, redundancy, and representation. Based on expert opinion, the lifespan of the Florida golden aster, ideal fire-return intervals (at least every 10 years), uncertainty about future conditions, and lack of knowledge about aspects of Florida golden aster ecology, we chose to project populations 20 years into the future under each scenario, although some of these projections could be reasonably expected to continue for some time after the 20 years. With approximately 30 years of real data and trends, we project that the same trends will continue into the future for about 20 to 30 years. The three hypothetical future scenarios are Status Quo, Pessimistic, and Targeted Conservation.

In considering development as a threat, for our 20-year future projection we used the SLEUTH (Slope, Land use, Excluded, Urban, Transportation and Hillshade; Jantz et al., 2010, p. 34:1–16) data sets from the years 2020 and 2040 and examined the area predicted, with at least 80 percent probability, to be urbanized. The most important factors identified by species experts to consider into the future were habitat quantity and quality.

Therefore, our assessment was both quantitative, calculating the area within the 5-km buffer surrounding each population that was urbanized at each time point, and qualitative, inspecting the distribution of urbanization and major roads within that area (*e.g.*, is the urbanization concentrated to one side of the population or completely surrounding it?).

With both the quantitative and qualitative assessments, we categorized populations as having either low risk or high risk of development impacting management for Florida golden aster. We defined high risk of impacting management as >50 percent chance of negatively impacting management, and <50 percent for low risk. Populations classified as having low risk from development averaged 7.9 percent developed area within the 5-km buffer by 2040, with a range of 0 to 39 percent

developed. Populations classified as having high risk from development averaged 45.5 percent developed area within the same buffer, ranging from 23 to 85 percent. For three populations with a percent of developed area in the overlapping range between the two categories (23 to 39 percent developed), the deciding factor between low risk and high risk was the distribution of development and roads around the population.

Habitat Quantity

Habitat quantity can be negatively impacted by development or land use change (particularly on private lands) or positively impacted by land acquisition, restoration, and introductions into unoccupied sites that already have presumably suitable habitat.

Habitat Quality

Habitat quality is closely tied to active habitat management to maintain openness either by prescribed burning or by other types of management. In constructing our scenarios, we considered two avenues by which future habitat management can be influenced, the level of habitat management effort and the amount and type of development near the Florida golden aster populations (to the extent the development affects the ability to conduct management actions, such as prescribed burns). First, the managing entities can choose their desired level of management effort by implementing (or not) a management plan or by allocating funding or personnel to or away from habitat management among competing priorities and limited resources. For our scenarios, we allowed for three levels of habitat management effort by managing entities. The first was management for stability, a moderate level of management that would be expected to maintain populations at their current size. The other two management levels were an increase, or a decrease, compared to management for stability. An increase in management effort would be expected to grow populations, while a decrease in management would be expected to result in population declines.

The second avenue by which future habitat management can be influenced is development, particularly major roads and types of development associated with “vulnerable” human populations (e.g., schools, hospitals). This kind of development surrounding habitat limits management via prescribed burns by limiting the days that burns can take place—weather conditions have to align to ensure proper smoke management. For example, if a population is

surrounded by nearby development to the north and west, it can only be burned when the wind is blowing to the south and east. As more development surrounds populations, there is less flexibility for prescribed burns. However, the appropriate radius around populations within which development might impact management ranges from 0.8 km up to 8.0 km as the appropriate radius depends on a variety of factors for each burn, including the type of development, temperature, humidity, wind conditions, size of the planned burn, risk tolerance of those implementing the burn, and other factors. For the SSA, we chose an intermediate value, 5 km, in which to examine current and predicted future development. In choosing this concrete value, we acknowledged that this number is in reality quite variable, and some burns will need to consider areas greater or less than 5 km away, but this value allowed us to gain a general understanding of the risks of development on managing surrounding populations.

Within a 5-km radius around the Florida golden aster occurrences, we used geographic information systems (GIS) to examine current and projected urbanization and roads. Urbanization data came from the SLEUTH model, and road data was available from the Florida Department of Transportation. The SLEUTH model has previously been used to predict probabilities of urbanization across the Southeastern United States in 10-year increments, and the resulting GIS data are freely available (Belyea and Terrando 2013, entire). For our 20-year future projection, we used the SLEUTH data sets from the years 2020 and 2040 and examined the area predicted, with at least 80 percent probability, to be urbanized. Our assessment was both quantitative, calculating the area within the 5-km buffer surrounding each population that was urbanized at each time point, and qualitative, inspecting the distribution of urbanization and major roads within that area (e.g., is the urbanization concentrated to one side of the population or completely surrounding it?). With this quantitative and qualitative assessment, we categorized populations as having either a low risk or a high risk of development impacting the ability to manage the population.

These two aspects of future management—(1) management resources and willingness of the entity to manage and (2) impacts of surrounding development on management—interacted in our future scenarios in the following way: with

decreases in management effort (compared to management for stable populations), population resiliency decreased one level. With management for stability, population resiliency stayed the same as the current condition resiliency when there was low risk of development impacts; but where there was a high risk, resiliency decreased one level, reflecting that management will be more challenging with higher risk from development. With increases in management effort, population resiliency increased when there was low risk of development impacts, but stayed the same when there was a high risk; the increased management effort canceled out the increased risk caused by development.

Future Condition—Future Scenarios

Status Quo

Under the Status Quo scenario, no new protected areas were acquired and no new populations were introduced. Management efforts for all populations were maintained at current levels, assuming that the ability to manage would not be hampered by funding or political issues, climate change, or other factors. As discussed above, currently there are 30 known extant populations, natural and introduced, occurring in 5 counties (Hardee, Highlands, Hillsborough, Manatee, and Pinellas). Of these, 25 populations occur entirely or mostly on 22 protected sites, “protected” referring to a site that was acquired in fee simple and placed into long-term conservation by a nongovernmental, local, State, or Federal entity, or a conservation easement or other binding land agreement by the site owner that shows a commitment to its conservation in perpetuity, and this scenario assumes that that commitment will be honored. Of the introductions since 2008, all had reached sizes >1,000 plants except for the populations at Duette Preserve (2 populations, North and South).

Pessimistic

Under the Pessimistic scenario, management effort on all populations decreased, presumably as an effect of a wide-scale change in priorities or resources, resulting in a drop in resiliency scores across the board. Additionally, based on uncertainty in whether populations on non-protected lands would continue to be managed in a way that is compatible with continued Florida golden aster persistence, in this scenario all populations on non-protected lands were assumed to be lost due to presumed land use or management change. As with the Status

Quo scenario, no new protected areas were acquired, and no new populations were introduced.

Targeted Conservation

Under the Targeted Conservation scenario, populations with high and very high resiliency were managed to maintain their rank; in cases where populations had a high risk of development limiting the ability to manage, this involved an increase in management effort compared to what would be needed to maintain the same level of resiliency for a population with a low risk of development impacts. Populations with currently moderate resiliency on protected lands received management effort increases to either move them into the high-resiliency class (low risk from development) or maintain moderate resiliency (high risk from development). Conservation resources were steered towards maintaining and growing these larger populations, and not as much towards rescuing populations that currently have low resiliency. Additionally, five new sites were selected across the species' range in which to introduce new populations, thus improving species redundancy.

Likelihood of Scenarios

Of these three scenarios, the Status Quo scenario is the most likely to occur, although the Targeted Conservation scenario represents a likely future if both habitat-focused management (prescribed burning and mechanical or manual habitat management) by a variety of partners/managing entities and species-specific conservation (captive propagation and introductions) are prioritized and well-funded. The Pessimistic scenario was unlikely; given that Florida golden aster populations span so many different ownerships, it is unlikely that all of the different managing entities will develop the land especially when there are other co-occurring threatened, endangered, and candidate species occupying the same habitat (e.g., Florida scrub-jay, *Aphelocoma coerulescens*; eastern indigo snake, *Drymarchon couperi*; gopher tortoise, *Gopherus polyphemus*). The Targeted Conservation scenario was not likely with current conservation resources, but could reflect a likely future if both habitat-focused management (e.g., prescribed burning) by a variety of partners/managing entities and species-specific

conservation (e.g., captive propagation and introductions) are prioritized and well-funded.

Future Resiliency

Future (20 years) resiliency of Florida golden aster populations under three scenarios was summarized in the SSA (Table 3). As implied by the scenario name, resiliency of populations under the Pessimistic scenario was predicted to be poor, with only 7 highly resilient populations, a decrease from 18 currently highly or very highly resilient populations. Under the Status Quo scenario, we expected resiliency to drop to 12 highly or very highly resilient populations due solely to the effect of development limiting the ability to adequately manage habitat. Under the Targeted Conservation scenario, focused management and conservation efforts to counteract detrimental effects of urbanization, grow existing populations, and introduce new populations were expected to result in significant gains in resilient populations, with an increase from 18 to 27 highly or very highly resilient populations expected.

TABLE 3—SUMMARY OF RESILIENCY SCORES TALLIED ACROSS ALL POPULATIONS OF FLORIDA GOLDEN ASTER FOR THE CURRENT CONDITION AND FUTURE CONDITION UNDER THREE HYPOTHETICAL SCENARIOS: STATUS QUO, PESSIMISTIC, AND TARGETED CONSERVATION

Resiliency class	Current	Status quo	Pessimistic	Targeted conservation
Very High	7	4	0	9
High	11	8	7	18
Moderate	6	11	11	2
Low	6	3	5	2
Likely Extirpated	NA	4	7	4

Future Redundancy and Representation

Redundancy 20 years in the future was expected to decrease compared to current condition under the Status Quo and Pessimistic Scenarios. In all scenarios, the majority of highly and very highly resilient populations were found in Hillsborough and Manatee Counties. All redundancy of highly resilient populations in Pinellas County and the Hardee and Highlands Counties cluster is lost under the Pessimistic scenario. In the Status Quo scenario, where drops in resiliency were due to development risks to management, no highly resilient populations remained in the heavily urbanized Pinellas County. Even in the Targeted Conservation Scenario, redundancy within Pinellas County did not improve, but both the number and distribution of highly

resilient populations in the other two clusters did improve.

As in the Current Condition section of this preamble, we did not assess representation in the future due to a present lack of information needed to delineate representative units.

Recovery Criteria

Section 4(f) of the Act directs us to develop and implement recovery plans for the conservation and survival of endangered and threatened species unless we determine that such a plan will not promote the conservation of the species. Recovery plans must, to the maximum extent practicable, include “objective, measurable criteria which, when met, would result in a determination, in accordance with the provisions [of section 4 of the Act], that the species be removed from the list.”

Recovery plans provide a roadmap for us and our partners on methods of enhancing conservation and minimizing threats to listed species, as well as measurable criteria against which to evaluate progress towards recovery and assess the species' likely future condition. However, they are not regulatory documents and do not substitute for the determinations and promulgation of regulations required under section 4(a)(1) of the Act. A decision to revise the status of a species, or to delist a species is ultimately based on an analysis of the best scientific and commercial data available to determine whether a species is no longer an endangered species or a threatened species, regardless of whether that information differs from the recovery plan.

There are many paths to accomplishing recovery of a species, and recovery may be achieved without all of the criteria in a recovery plan being fully met. For example, one or more criteria may be exceeded while other criteria may not yet be accomplished. In that instance, we may determine that the threats are minimized sufficiently and that the species is robust enough that it no longer meets the definition of an endangered species or a threatened species. In other cases, we may discover new recovery opportunities after having finalized the recovery plan. Parties seeking to conserve the species may use these opportunities instead of methods identified in the recovery plan. Likewise, we may learn new information about the species after we finalize the recovery plan. The new information may change the extent to which existing criteria are appropriate for identifying recovery of the species. The recovery of a species is a dynamic process requiring adaptive management that may, or may not, follow all of the guidance provided in a recovery plan.

The recovery plan for the Florida golden aster was issued by the Service on August 29, 1988. The primary objective of the recovery plan was to provide sufficient habitat for the Florida golden aster, both through protection of the sites and proper vegetation management. The plan called for establishment of new populations of the species. Reclassification of this species to threatened could be considered if 10 geographically distinct populations were established in its 3 native counties. Delisting could be considered if 20 such populations were secured (USFWS 1988, p. 3). Currently, Florida golden aster occurs in 30 geographically distinct populations across 5 counties, and 18 of these populations are high or very high resiliency, as consistent with delisting criteria (see Table 2 in discussion above).

Determination of Florida Golden Aster Status

Section 4 of the Act (16 U.S.C. 1533) and its implementing regulations (50 CFR part 424) set forth the procedures for determining whether a species meets the definition of “endangered species” or “threatened species.” The Act defines an endangered species as a species that is “in danger of extinction throughout all or a significant portion of its range,” and a threatened species as a species that is “likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.” For a more detailed discussion on the factors considered

when determining whether a species meets the definition of an endangered species or a threatened species and our analysis on how we determine the foreseeable future in making these decisions, please see Analytical Framework, above.

Status Throughout All of Its Range

After evaluating threats to the species and assessing the cumulative effect of the threats under section 4(a)(1) factors, we find that the present or threatened destruction, modification, or curtailment of its habitat (Factor A), which was the basis for listing the species, is no longer a threat. At the time of listing, Florida golden aster was thought to persist only in Hillsborough County. Now, the species is known to occur in four additional counties: Hardee, Highlands, Manatee, and Pinellas Counties. While destruction and modification of habitat is still the primary threat, its magnitude has been greatly reduced since listing. Further, under the recovery plan for the species, delisting could be considered if 20 populations were secured. The number of known extant populations (NatureServe 2004) has increased from 9 (1986) to 30 (2017) as a result of additional surveys, habitat restoration, and outplanting within the historical range of the species. Of those 30 populations, 25 are located on protected conservation lands, 22 of which have been determined to have at least moderate resiliency. We expect current levels of management to continue on these conservation lands at these locations and anticipate the number of individuals within the populations to increase. Thus, after assessing the best available information, we conclude that the Florida golden aster no longer meets the Act’s definition of an endangered species.

For the determination of whether the species is likely to become endangered within the foreseeable future throughout all of its range, and thus meet the definition of a threatened species, we considered the “foreseeable future” as 20 years into the future under the three hypothetical future scenarios. Under all three scenarios evaluated, Florida golden aster is expected to continue to persist across its currently known range. Under the status quo scenario, which is also the most likely to occur, 12 populations are projected to be high/very high resiliency and 11 moderate—across all 3 geographic clusters, as habitat modification is no longer a threat for the populations on protected lands and current management of those lands is expected to continue. Four populations (3 natural and 1

introduced), currently in low condition are projected to become extirpated. Even under the Pessimistic scenario, which is least likely to occur, 7 populations are projected to be in high condition and 11 in moderate condition, all on protected lands with conservation management expected to continue at some level. Given that the majority of populations projected to remain extant, and with at least moderate resiliency, at the end of the projection period are on protected lands managed for scrub habitat, it is unlikely the species will become endangered in the foreseeable future throughout all of its range.

Status Throughout a Significant Portion of Its Range

Under the Act and our implementing regulations, a species may warrant listing if it is in danger of extinction or likely to become so in the foreseeable future throughout all or a significant portion of its range. Because we have determined that the species is not in danger of extinction or likely to become so in the foreseeable future throughout all of its range, we will consider whether there are any significant portions of its range in which the species is in danger of extinction or likely to become so in the foreseeable future—that is, whether there is any portion of the species’ range for which both (1) the portion is significant; and, (2) the species is in danger of extinction now or likely to become so in the foreseeable future in that portion. Depending on the case, it might be more efficient for us to address the “significance” question or the “status” question first. Regardless of which question we address first, if we reach a negative answer with respect to the first question for a certain portion of the species’ range, we do not need to evaluate the other question for that portion of the species’ range.

For Florida golden aster, we chose to evaluate the status question (*i.e.*, identifying portions where Florida golden aster may be in danger of extinction or likely to become so in the foreseeable future) first. We considered whether the threats are geographically concentrated in any portion of the species’ range at a biologically meaningful scale now or in the foreseeable future. We examined the following threats: Development and climate change, including cumulative effects. Currently, there are 30 known extant Florida golden aster populations occurring in 5 counties (Hillsborough, Manatee, Pinellas, Highlands, and Hardee Counties) with 25 of these populations occurring on conservation lands (Federal, State, and conservation

easements). Climate change, as discussed above, is primarily acting upon the species across its range, except for sea level rise, which would only potentially affect one population at Fort De Soto County Park in Pinellas County. As this would potentially impact just a single population out of 30 populations, we do not consider this concentration of threats to be at a biologically meaningful scale.

Although development is currently concentrated in Pinellas County, that activity would negatively impact in the foreseeable future only five populations, which occur on private lands or along roadways or railroad lines. However, two of these populations have high and moderate resiliency (the remaining three populations have low resiliency), and this pattern will continue in the future. The Pinellas County populations are currently in low condition, and some may become extirpated in the foreseeable future due to development. Therefore, our examination leads us to find that there is substantial information that the Pinellas County populations may become in danger of extinction within the foreseeable future.

We then proceeded to consider whether this portion of the range (*i.e.*, the Pinellas County populations) is significant. For the purposes of this analysis, the Service is considering significant portions of the range by applying any reasonable definition of "significant." We assessed whether any portions of the range may be biologically meaningful in terms of the resiliency, redundancy, or representation of the entity being evaluated. This approach is consistent with the Act, our implementing regulations, our policies, and case law.

Currently, the Pinellas County populations are introduced populations and represent a small portion (less than 10 percent based on current extant populations) of the species' range. Further, these populations were all introduced after listing (*i.e.*, are not naturally occurring populations) and are not contributing much to the viability of the species. If these populations become extirpated, the Florida golden aster would lose some redundancy, but the loss of this portion of the species' range would still leave sufficient resiliency (populations with moderate to high resiliency), redundancy, and representation in the remainder of the species' range such that it would not notably reduce overall viability of the species. Therefore, these populations do not represent a significant portion of the species' range.

We conclude that the Florida golden aster is not in danger of extinction nor

likely to become so in the foreseeable future in a significant portion of its range. This approach is consistent with the courts' holdings in *Desert Survivors v. Department of the Interior*, No. 16–cv–01165–JCS, 2018 WL 4053447 (N.D. Cal. Aug. 24, 2018), and *Center for Biological Diversity v. Jewell*, 248 F. Supp. 3d, 946, 959 (D. Ariz. 2017).

Determination of Status

Our review of the best available scientific and commercial data available indicates that Florida golden aster is not in danger of extinction nor likely to become endangered within the foreseeable future throughout all or a significant portion of its range. Therefore, we find that Florida golden aster does not meet the definition of an endangered or threatened species, and we propose to remove Florida golden aster from the List.

Effects of This Proposed Rule

This proposal, if made final, would revise 50 CFR 17.12(h) to remove Florida golden aster from the Federal List of Endangered and Threatened Plants. The prohibitions and conservation measures provided by the Act, particularly through sections 7 and 9, would no longer apply to this species. Federal agencies would no longer be required to consult with the Service under section 7 of the Act in the event that activities they authorize, fund, or carry out may affect Florida golden aster. There is no critical habitat designated for this species.

Post-Delisting Monitoring

Section 4(g)(1) of the Act requires us to monitor for not less than 5 years the status of all species that are delisted due. Post-delisting monitoring (PDM) refers to activities undertaken to verify that a species delisted due to recovery remains secure from the risk of extinction after the protections of the Act no longer apply. The primary goal of PDM is to monitor the species to ensure that its status does not deteriorate, and if a decline is detected, to take measures to halt the decline so that proposing it as a threatened or endangered species is not again needed. If at any time during the monitoring period, data indicate that protective status under the Act should be reinstated, we can initiate listing procedures, including, if appropriate, emergency listing. At the conclusion of the monitoring period, we will review all available information to determine if re-listing, the continuation of monitoring, or the termination of monitoring is appropriate.

Section 4(g) of the Act explicitly requires that we cooperate with the States in development and implementation of PDM programs. However, we remain ultimately responsible for compliance with section 4(g) and, therefore, must remain actively engaged in all phases of PDM. We also seek active participation of other entities that are expected to assume responsibilities for the species' conservation after delisting.

Concurrent with this proposed delisting rule, we announce the draft PDM plan's availability for public review at <http://www.regulations.gov> under Docket Number FWS–R4–ES–2019–0071. We seek information, data, and comments from the public regarding Florida golden aster and the PDM plan. We are also seeking peer review of the draft PDM plan concurrently with this comment period. We anticipate finalizing the PDM plan, considering all public and peer review comments, prior to making a final determination on the proposed delisting rule.

Required Determinations

Clarity of the Proposed Rule

We are required by Executive Orders 12866 and 12988 and by the Presidential Memorandum of June 1, 1998, to write all proposed rules in plain language. This means that each proposed rule we publish must:

- (a) Be logically organized;
- (b) Use the active voice to address readers directly;
- (c) Use clear language rather than jargon;
- (d) Be divided into short sections and sentences; and
- (e) Use lists and tables wherever possible.

If you feel that we have not met these requirements, send us comments by one of the methods listed in **ADDRESSES**. To better help revise the proposed rule, your comments should be as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that are unclearly written, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

National Environmental Policy Act (42 U.S.C. 4321 et seq.)

We have determined that environmental assessments and environmental impact statements, as defined under the authority of the National Environmental Policy Act need not be prepared in connection with determining and implementing a species' listing status under the

Endangered Species Act. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244).

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994, "Government-to-Government Relations with Native American Tribal Governments" (59 FR 22951), Executive Order 13175, and the Department of the Interior's manual at 512 DM 2, we readily acknowledge our responsibility to communicate meaningfully with recognized Federal Tribes on a government-to-government basis. In accordance with Secretarial Order 3206 of June 5, 1997 (American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act), we readily acknowledge our responsibilities to work directly with Tribes in developing programs for healthy ecosystems, to acknowledge that Tribal lands are not subject to the same controls as Federal public lands, to remain sensitive to Indian culture, and to make information available to Tribes. There are no Tribal interests affected by this proposal.

References Cited

A complete list of references cited is available on the internet at <http://www.regulations.gov> under Docket Number FWS-R4-ES-2019-0071.

Authors

The primary authors of this proposed rule are staff members of the Service's Southeastern Region Recovery Team and the North Florida Ecological Services Field Office.

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Proposed Regulation Promulgation

Accordingly, we propose to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

- 1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 1531–1544; and 4201–4245, unless otherwise noted.

§ 17.12 [Amended]

- 2. Amend § 17.12(h) by removing the entry for "*Chrysopsis floridana*" under

"Flowering Plants" on the List of Endangered and Threatened Plants.

Martha Williams,

Principal Deputy Director, Exercising the Delegated Authority of the Director, U.S. Fish and Wildlife Service.

[FR Doc. 2021–12741 Filed 6–23–21; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 210617–0133]

RIN 0648–BK24

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Framework Adjustment 61

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

ACTION: Proposed rule; request for comments.

SUMMARY: This action proposes to approve and implement Framework Adjustment 61 to the Northeast Multispecies Fishery Management Plan. This rule would revise the status determination criteria for Georges Bank and Southern New England-Mid Atlantic winter flounder, implement a revised rebuilding plan for white hake, set or adjust catch limits for 17 of the 20 multispecies (groundfish) stocks, and implement a universal exemption for sectors to target Acadian redfish. This action is necessary to respond to updated scientific information and to achieve the goals and objectives of the fishery management plan. The proposed measures are intended to help prevent overfishing, rebuild overfished stocks, achieve optimum yield, and ensure that management measures are based on the best scientific information available.

DATES: Comments must be received by July 9, 2021.

ADDRESSES: You may submit comments, identified by NOAA–NMFS–2021–0061 by the following method:

- **Electronic Submission:** Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to www.regulations.gov and enter NOAA–NMFS–2021–0061 in the Search box. Click on the "Comment" icon, complete the required fields, and enter or attach your comments.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by us. All comments received are a part of the public record and will generally be posted for public viewing on www.regulations.gov without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. We will accept anonymous comments (enter "N/A" in the required fields if you wish to remain anonymous).

Copies of Framework Adjustment 61, including the draft Environmental Assessment, the Regulatory Impact Review, and the Regulatory Flexibility Act Analysis prepared by the New England Fishery Management Council in support of this action, are available from Thomas A. Nies, Executive Director, New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950. The supporting documents are also accessible via the internet at: <http://www.nefmc.org/management-plans/northeast-multispecies> or <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Liz Sullivan, Fishery Policy Analyst, phone: 978–282–8493; email: Liz.Sullivan@noaa.gov.

SUPPLEMENTARY INFORMATION:

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1. Summary of Proposed Measures
2. Status Determination Criteria
3. Rebuilding Plan for White Hake
4. Fishing Year 2021 Shared U.S./Canada Quotas
5. Catch Limits for Fishing Years 2021–2023
6. Universal Sector Exemption for Acadian Redfish (redfish)

1. Summary of Proposed Measures

This action would implement the management measures in Framework Adjustment 61 to the Northeast Multispecies Fishery Management Plan (FMP). The New England Fishery Management Council reviewed the proposed regulations and deemed them consistent with, and necessary to implement, Framework 61 in a June 10, 2021, letter from Council Chairman Dr. John Quinn to Regional Administrator Michael Pentony. Under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), we are required to publish proposed rules for comment after determining whether they are consistent

with applicable law. The Magnuson-Stevens Act allows us to approve, partially approve, or disapprove measures that the Council proposes based only on whether the measures are consistent with the fishery management plan, plan amendment, the Magnuson-Stevens Act and its National Standards, and other applicable law. Otherwise, we must defer to the Council's policy choices. We are seeking comments on the Council's proposed measures in Framework 61. Through Framework 61, the Council proposes to:

- Revise the status determination criteria (SDC) for Georges Bank (GB) and Southern New England/Mid-Atlantic (SNE/MA) winter flounder and provide the numeric estimates of the SDCs for these stocks, based on the peer review recommendations;
- Implement a revised rebuilding plan for white hake;
- Set fishing year 2021 shared U.S./Canada quotas for GB yellowtail flounder and eastern GB cod and haddock;
- Set 2021–2023 specifications, including catch limits, for nine groundfish stocks and adjust 2021–2022 allocations for seven other groundfish stocks; and
- Implement a universal exemption for sectors to target redfish.

2. Status Determination Criteria

The Northeast Fishery Science Center conducted management track stock assessment updates in 2020 for nine groundfish stocks. This action proposes to revise SDCs for GB and SNE/MA winter flounder, and provide updated numerical estimates of these criteria, in order to incorporate the results of the 2020 stock assessments and based on the peer review recommendations from the 2020 stock assessments. Table 1 provides the proposed revisions to the SDCs for GB and SNE/MA winter flounder, and Table 2 provides the resulting numerical estimates of the SDCs.

For GB winter flounder, the assessment and the peer review recommended changing the current maximum sustainable yield (MSY) biological reference points (calculated from the stock-recruitment relationship) to proxy-based biological reference points (F=40 percent, SSB=40 percent) as recommended by the panel review in the 2019 assessment. Similarly, for SNE/MA winter flounder, the assessment and the peer review recommended changing the MSY biological reference points (based on the stock-recruitment relationship) to proxy-based biological reference points (F=40 percent, SSB=40

percent), due to the Council's Scientific and Statistical Committee's (SSC) concerns with recent recruitment being estimated below predicted values from the stock recruitment relationship, and from recommendations by the 2018 peer review panel in considering an F=40 proxy. This addressed a concern that the estimate of F_{MSY} from the stock recruitment relationship could be too high relative to the estimate of F=40 percent. A stock assessment model change in the assumption for the estimated fishery selectivity pattern (*i.e.*, assumptions of ages that are subject to fishing) also contributed to a change in the numeric estimates of the SDCs for SNE/MA winter flounder. The assumption on selectivity in the stock assessment model changed from a dome-shaped fishery selectivity pattern (*i.e.*, a pattern that assumes that the largest or oldest members of a demographic group are not fully vulnerable to fishing) to a flat-topped fishery selectivity pattern (*i.e.*, a pattern in which the older age groups are fully vulnerable and susceptible to fishing). Fishing mortality rates and their corresponding overfishing rates (F_{MSY}) are not comparable across models when large changes in the selectivity pattern have occurred.

TABLE 1—PROPOSED STATUS DETERMINATION CRITERIA

Stock	Biomass target (SSB _{MSY} or proxy)	Minimum biomass threshold	Maximum fishing mortality threshold (F _{MSY} or proxy)
GB Winter Flounder:			
<i>Current SDC</i>	SSB _{MSY}	1/2 B _{target}	F _{MSY}
<i>Proposed SDC</i>	SSB _{MSY} : SSB/R (40 percent MSP)	1/2 B _{target}	F=40 percent of MSP _P
SNE/MA Winter Flounder:			
<i>Current SDC</i>	SSB _{MSY}	1/2 B _{target}	F _{MSY}
<i>Proposed SDC</i>	SSB _{MSY} : SSB/R (40 percent MSP)	1/2 B _{target}	F=40 percent of MSP

SSB = spawning stock biomass; MSY = maximum sustainable yield; B_{target} = target biomass; F = fishing mortality; SSB/R = spawning stock biomass per recruit; MSP = maximum spawning potential.

TABLE 2—NUMERICAL ESTIMATES OF STATUS DETERMINATION CRITERIA

Stock	Model/approach	B _{MSY} or proxy (mt)	F _{MSY} or proxy	MSY (mt)
GB Winter Flounder:				
<i>Using current SDC</i>	VPA	7,394	0.358	2,612
<i>Using proposed SDC</i>	VPA	7,267	0.358	2,573
SNE/MA Winter Flounder:				
<i>Using current SDC</i>	ASAP	31,567	0.260	9,102
<i>Using proposed SDC</i>	ASAP	12,322	0.284	3,906

3. Rebuilding Plan for White Hake

Framework 61 would revise the rebuilding plan for white hake. The current rebuilding plan for white hake, as implemented by Amendment 13, ended in 2014. In 2015, the stock

assessment update indicated that the stock was making adequate rebuilding progress, and in 2017, the Regional Administrator advised the Council to continue to set catch limits to maintain fishing mortality (F) at 75 percent of F at maximum sustainable yield until the

stock was rebuilt. However, the 2019 stock assessment update indicated that the spawning stock biomass of white hake dropped to 49.9 percent of B_{MSY}, and while this was only 23 mt below the threshold, the stock had become overfished. On March 5, 2020, the

Regional Administrator notified the Council of the overfished status and that, given that the rebuilding plan's target date had passed, a new rebuilding plan was required. The deadline to implement a rebuilding plan is March 5, 2022.

The Magnuson-Stevens Act requires that overfished stocks be rebuilt as quickly as possible, not to exceed 10 years when biologically possible, accounting for the status and biology of the stocks, the needs of fishing communities, and the interaction of the overfished stock within the marine ecosystem. Rebuilding plans must have at least a 50-percent probability of success. Selection of a rebuilding plan with a higher probability of success is one way of addressing uncertainty, but this does not affect the standard used in the future to determine whether a stock is rebuilt. The minimum rebuilding time (T_{min}) is the amount of time a stock is expected to take to rebuild to the biomass (B) associated with maximum sustainable yield (MSY) in the absence of any fishing mortality (F). The actual timeline set with a rebuilding plan (T_{target}) may be greater than T_{min} , but cannot exceed the maximum rebuilding time (T_{max}). T_{max} is 10 years if T_{min} is less than 10 years. In situations where T_{min} exceeds 10 years, T_{max} establishes a maximum time for rebuilding that is linked to the biology of the stock.

The white hake rebuilding program proposed in this action would rebuild the stock within 10 years, or by 2031, which is the maximum time period allowed by the Magnuson-Stevens Act. While projections suggest the stock could rebuild in 4 years at an F of zero, this does not account for the white hake's stock status, the needs of fishing communities, or the interaction of white hake with other multispecies in the groundfish fishery. Additional factors regarding biology and fishery needs were considered by the Council in

setting $T_{target} = T_{max}$. First, recent recruitment estimates for this stock have been below average, and recruitment may not increase suddenly to the average values, which make the T_{min} projections (4 years at $F = 0$) likely to be overly optimistic. Long-term projections for many groundfish stocks have tended to be overly optimistic, such that future levels of biomass are overestimated and fishing mortality is underestimated. Additionally, recent commercial utilization of the white hake annual catch limit (ACL) is high, indicating that the stock is an important component of the fishing industry; a longer rebuilding period considers the needs of the fishing communities as much as practicable. The proposed rebuilding plan for white hake would set $F_{rebuild}$ at 70 percent of F_{MSY} with an 87-percent probability of achieving B_{MSY} .

4. Fishing Year 2021 Shared U.S./Canada Quotas

Management of Transboundary Georges Bank Stocks

Eastern GB cod, eastern GB haddock, and GB yellowtail flounder are jointly managed with Canada under the United States/Canada Resource Sharing Understanding. The Transboundary Management Guidance Committee (TMGC) is a government-industry committee made up of representatives from the United States and Canada. For historical information about the TMGC see: <http://www.bio.gc.ca/info/intercol/tmgc-cogst/index-en.php>. Each year, the TMGC recommends a shared quota for each stock based on the most recent stock information and the TMGC's harvest strategy. The TMGC's harvest strategy for setting catch levels is to maintain a low to neutral risk (less than 50 percent) of exceeding the fishing mortality limit for each stock. The harvest strategy also specifies that when stock conditions are poor, fishing

mortality should be further reduced to promote stock rebuilding. The shared quotas are allocated between the United States and Canada based on a formula that considers historical catch (10-percent weighting) and the current resource distribution (90-percent weighting).

For GB yellowtail flounder, the Council's Scientific and Statistical Committee (SSC) also recommends an acceptable biological catch (ABC) for the stock. The ABC is typically used to inform the U.S. TMGC's discussions with Canada for the annual shared quota. Although the stock is jointly managed with Canada, and the TMGC recommends annual shared quotas, the Council may not set catch limits that would exceed the SSC's recommendation. The SSC does not recommend ABCs for eastern GB cod and haddock because they are management units of the total GB cod and haddock stocks. The SSC recommends overall ABCs for the total GB cod and haddock stocks. The shared U.S./Canada quota for eastern GB cod and haddock is included in these overall ABCs, and must be consistent with the SSC's recommendation for the total GB stocks.

2021 U.S./Canada Quotas

The Transboundary Resources Assessment Committee conducted assessments for the three transboundary stocks in July 2020, and detailed summaries of these assessments can be found at: <https://www.nefsc.noaa.gov/assessments/trac/>. The TMGC met in September 2020 to recommend shared quotas for 2021 based on the updated assessments, and the Council adopted the TMGC's recommendations in Framework 61. The proposed 2021 shared U.S./Canada quotas, and each country's allocation, are listed in Table 3.

TABLE 3—PROPOSED 2021 FISHING YEAR U.S./CANADA QUOTAS (mt, live weight) AND PERCENT OF QUOTA ALLOCATED TO EACH COUNTRY

Quota	Eastern GB cod	Eastern GB haddock	GB yellowtail flounder
Total Shared Quota	635	14,100	125.
U.S. Quota	190.5 (30 percent)	6,486 (46 percent)	80 (64 percent).
Canadian Quota	444.5 (70 percent)	7,614 (54 percent)	45 (36 percent).

The proposed 2021 U.S. quota for eastern GB cod would represent a 1.1-percent increase compared to 2020; the proposed 2021 U.S. quota for eastern GB haddock and GB yellowtail flounder would represent 60-percent and 33-percent decreases, respectively,

compared to 2020. The quota increase for eastern GB cod is due to a slight increase (1 percent) in the portion of the shared quota that is allocated to the United States, despite a small decrease in the total shared quota. The decreases for eastern GB haddock and GB

yellowtail flounder are both due to a decrease in total shared quota and the portion of the shared quota that is allocated to the United States. For a more detailed discussion of the TMGC's 2021 catch advice, see the TMGC's guidance document that will be posted

at: <https://www.greateratlantic.fisheries.noaa.gov/>. The 2021 U.S. quotas for eastern GB cod, eastern GB haddock, and GB yellowtail that are proposed in Framework Adjustment 61, if approved, will replace the 2021 quotas previously specified for these stocks (86 FR 22898; April 30, 2021). This is discussed further in Section 5, Catch Limits for the 2021–2023 Fishing Years.

The regulations implementing the U.S./Canada Resource Sharing Understanding require deducting any overages of the U.S. quota for eastern GB cod, eastern GB haddock, or GB yellowtail flounder from the U.S. quota in the following fishing year. If catch information for the 2020 fishing year indicates that the U.S. fishery exceeded its quota for any of the shared stocks, we will reduce the respective U.S. quotas for the 2021 fishing year in a future management action, as close to May 1, 2021, as possible. If any fishery that is allocated a portion of the U.S. quota exceeds its allocation and causes an overage of the overall U.S. quota, the overage reduction would be applied only to that fishery’s allocation in the following fishing year. This ensures that catch by one component of the overall

fishery does not negatively affect another component of the overall fishery.

5. Catch Limits for Fishing Years 2021–2023

Summary of the Proposed Catch Limits

Tables 4 through 13 show the proposed catch limits for the 2021–2023 fishing years. A brief summary of how these catch limits were developed is provided below. More details on the proposed catch limits for each groundfish stock can be found in Appendix II (Calculation of Northeast Multispecies Annual Catch Limits, FY 2021–FY 2023) to the Framework 61 Environmental Assessment (see **ADDRESSES** for information on how to get this document).

Through Framework 61, the Council proposes to adopt catch limits for nine groundfish stocks for the 2021–2023 fishing years based on stock assessments completed in 2020, and fishing year 2021–2022 specifications for GB yellowtail flounder. Framework 59 (85 FR 45794; July 30, 2020) previously set 2021–2022 quotas for the 10 groundfish stocks not assessed in 2020, based on

assessments conducted in 2019. This action would include minor adjustments for seven of these stocks for fishing years 2021–2022. Table 4 provides an overview of which catch limits, if any, would change, as proposed in Framework 61, as well as when the stock was most recently assessed. Table 5 provides the percent change in the 2021 catch limit compared to the 2020 fishing year.

Because Framework 61 is not in place in time for the May 1 start to the fishing year, the fishing year 2021 quotas previously set by Framework 59 are in effect from May 1, 2021, through April 30, 2022, unless and until replaced by the quotas proposed in this action. However, Framework 59 did not set 2021 quotas for GOM winter flounder, SNE/MA winter flounder, redfish, ocean pout, Atlantic wolffish, and the eastern portion of the GB cod and haddock stocks. A default quota for these stocks required by current regulations will be in effect from May 1, 2021, through July 31, 2021, unless and until replaced by the quotas proposed in Framework 61 (see 86 FR 22898; April 30, 2021 for more information).

TABLE 4—CHANGES TO CATCH LIMITS, AS PROPOSED IN FRAMEWORK 61

Stock	Most recent assessment	Proposed change in Framework 61
GB Cod	2019	New 2021–2022 U.S. ABC. Adjust sub-components.*
GOM Cod	2019	Adjust sub-components.*
GB Haddock	2019	New 2021–2022 U.S. ABC.
GOM Haddock	2019	No change: 2021–2022 catch limits set by Framework 59.
GB Yellowtail Flounder	2020	New 2021–2022 ABC.
SNE/MA Yellowtail Flounder	2019	Adjust sub-components.*
CC/GOM Yellowtail Flounder	2019	Adjust sub-components.*
American Plaice	2019	No change: 2021–2022 catch limits set by Framework 59.
Witch Flounder	2019	Adjust sub-components.*
GB Winter Flounder	2020	New 2021–2023 ABC.
GOM Winter Flounder	2020	New 2021–2023 ABC.
SNE/MA Winter Flounder	2020	New 2021–2023 ABC.
Redfish	2020	New 2021–2023 ABC.
White Hake	2019	Adjust sub-components.*
Pollock	2019	No change: 2021–2022 catch limits set by Framework 59.
N Windowpane Flounder	2020	New 2021–2023 ABC.
S Windowpane Flounder	2020	New 2021–2023 ABC.
Ocean Pout	2020	New 2021–2023 ABC.
Atlantic Halibut	2020	New 2021–2023 ABC.
Atlantic Wolffish	2020	New 2021–2023 ABC.

N = Northern; S = Southern; * Adjustments to sub-components to the ACL result in an adjustment to the sub-ACLs for fisheries, including groundfish, as described in the Annual Catch Limits section below.

TABLE 5—PROPOSED FISHING YEARS 2021–2023 OVERFISHING LIMITS AND ACCEPTABLE BIOLOGICAL CATCHES [mt, live weight]

Stock	2021		Percent change from 2020	2022		2023	
	OFL	U.S. ABC		OFL	U.S. ABC	OFL	U.S. ABC
GB Cod	UNK	1,308	1	UNK	1,308	.....	.....
GOM Cod	929	552	0	1,150	552	.....	.....
GB Haddock	116,883	82,723	–37	114,925	81,242	.....	.....
GOM Haddock	21,521	16,794	–15	14,834	11,526	.....	.....
GB Yellowtail Flounder	UNK	80	–33	UNK	80	.....	.....

TABLE 5—PROPOSED FISHING YEARS 2021–2023 OVERFISHING LIMITS AND ACCEPTABLE BIOLOGICAL CATCHES—
Continued
[mt, live weight]

Stock	2021		Percent change from 2020	2022		2023	
	OFL	U.S. ABC		OFL	U.S. ABC	OFL	U.S. ABC
SNE/MA Yellowtail Flounder	71	22	0	184	22	.....	.....
CC/GOM Yellowtail Flounder	1,076	823	0	1,116	823	.....	.....
American Plaice	3,740	2,881	-9	3,687	2,825	.....	.....
Witch Flounder	UNK	1,483	0	UNK	1,483	.....	.....
GB Winter Flounder	865	608	8	974	608	1,431	608
GOM Winter Flounder*	662	497	11	662	497	662	497
SNE/MA Winter Flounder*	1,438	456	-37	1,438	456	1,438	456
Redfish*	13,519	10,186	-15	13,354	10,062	13,229	9,967
White Hake	2,906	2,147	0	2,986	2,147	.....	.....
Pollock	28,475	22,062	-20	21,744	16,812	.....	.....
N Windowpane Flounder	UNK	160	171	UNK	160	UNK	160
S Windowpane Flounder	513	384	-10	513	384	513	384
Ocean Pout*	125	87	-31	125	87	125	87
Atlantic Halibut	UNK	101	-5	UNK	101	UNK	101
Atlantic Wolffish*	122	92	2	122	92	122	92

UNK = Unknown.

Note: An empty cell indicates no OFL/ABC is adopted for that year. These catch limits would be set in a future action.

Overfishing Limits and Acceptable Biological Catches

The overfishing limit (OFL) is calculated to set the maximum amount of fish that can be caught in a year, without constituting overfishing. The ABC is typically set lower than the OFL to account for scientific uncertainty. For GB cod, GB haddock, and GB yellowtail flounder, the total ABC is reduced by the amount of the Canadian quota (see Table 3 for the Canadian and U.S. shares of these stocks). Although the TMGC recommendations were only for fishing year 2021, the portion of the shared quota allocated to Canada in fishing year 2021 was used to project U.S. ABCs for GB yellowtail for 2022 and for GB cod and haddock for 2022 and 2023. This avoids artificially inflating the U.S. ABC up to the total ABC for the 2022 and 2023 fishing years. The TMGC will make new recommendations for 2022, which would replace any quotas for these stocks set in this action. Additionally, although GB winter flounder, white hake, and Atlantic halibut are not jointly managed with Canada, there is some Canadian catch of these stocks. Because the total ABC must account for all sources of fishing mortality, expected Canadian catch of GB winter flounder (26 mt), white hake (39 mt), and Atlantic halibut (49 mt) is deducted from the total ABC. The U.S. ABC is the amount available to the U.S. fishery after accounting for Canadian catch (see Table 5). For stocks without Canadian catch, the U.S. ABC is equal to the total ABC.

The OFLs are currently unknown for GB cod, GB yellowtail flounder, witch flounder, and Atlantic halibut. For 2021,

the SSC recommended maintaining the unknown OFL for GB yellowtail flounder and Atlantic halibut, as well as setting the OFL for northern windowpane flounder as unknown. The OFLs for GB cod and witch flounder were set by Framework 59. Empirical stock assessments are used for these five stocks, and these assessments can no longer provide quantitative estimates of the status determination criteria, nor were appropriate proxies for stock status determination able to be developed. In the temporary absence of an OFL, in this and previous actions, we have considered recent catch data and estimated trends in stock biomass as an indication that the catch limits derived from ABCs are sufficiently managing fishing mortality at a rate that is preventing overfishing. For GB yellowtail flounder, the SSC noted that the fishery does not appear to be the main driver limiting stock recovery. However, the continued low stock biomass and poor recruitment for this stock warrant the maintenance of low catch levels. The 2020 assessment for northern windowpane used an empirical method to estimate swept-area biomass and annual relative exploitation rates, and generally showed a lack of decline over the past decade and a declining relative exploitation rate. There are indications that abundance of Atlantic halibut has increased significantly over the last decade, and although the SSC noted that catch is increasing, it supported the continued use of the method used to provide catch advice since 2018. Based on these considerations, we have preliminarily determined that these

ABCs are a sufficient limit for preventing overfishing and are consistent with the National Standards. This action does not propose any changes to the status determination criteria for these stocks.

Annual Catch Limits

Development of Annual Catch Limits

The U.S. ABC for each stock is divided among the various fishery components to account for all sources of fishing mortality. An estimate of catch expected from state waters and the other sub-component (e.g., non-groundfish fisheries or some recreational groundfish fisheries) is deducted from the U.S. ABC. The remaining portion of the U.S. ABC is distributed to the fishery components that receive an allocation for the stock. Components of the fishery that receive an allocation have a sub-ACL set by reducing their portion of the ABC to account for management uncertainty and are subject to AMs if they exceed their respective catch limit during the fishing year. For GOM cod and haddock only, the U.S. ABC is first divided between the commercial and recreational fisheries, before being further divided into sub-component and sub-ACLs. This process is described fully in Appendix II of the Framework 61 Environmental Assessment.

Sector and Common Pool Allocations

For stocks allocated to sectors, the commercial groundfish sub-ACL is further divided into the non-sector (common pool) sub-ACL and the sector sub-ACL, based on the total vessel enrollment in sectors and the

cumulative potential sector contributions (PSC) associated with those sectors. The sector and common pool sub-ACLs proposed in this action are based on final fishing year 2021 sector rosters. All permits enrolled in a sector, and the vessels associated with those permits, had until April 30, 2021, to withdraw from a sector and fish in the common pool for the 2021 fishing year. In addition to the enrollment delay, all permits that changed ownership after the roster deadline were able to join a sector (or change sector) through April 30, 2021.

Common Pool Total Allowable Catches

The common pool sub-ACL for each allocated stock (except for SNE/MA winter flounder) is further divided into trimester TACs. Table 9 summarizes the common pool trimester TACs proposed in this action.

Incidental catch TACs are also specified for certain stocks of concern (i.e., stocks that are overfished or subject to overfishing) for common pool vessels fishing in the special management programs (i.e., special access programs (SAP) and the Regular B Days-at-Sea (DAS) Program), in order to limit the catch of these stocks under each program. Tables 10 through 13 summarize the proposed Incidental Catch TACs for each stock and the distribution of these TACs to each special management program.

Default Catch Limits for Future Fishing Years

Framework 53 established a mechanism for setting default catch limits in the event a future management action is delayed. If final catch limits have not been implemented by the start of a fishing year on May 1, then default

catch limits are set at 35 percent of the previous year's catch limit. The default catch limits are effective until July 31 of that fishing year, or when replaced by new catch limits, whichever happens first. If the default value is higher than the Council's recommended catch limit for the upcoming fishing year, the default catch limits will be equal to the Council's recommended catch limits for the applicable stocks for the upcoming fishing year. Because most groundfish vessels are not able to fish if final catch limits have not been implemented, this measure was established to allow fishing to continue for a short-interim period to minimize disruption to the groundfish fishery. Additional description of the default catch limit mechanism is provided in the preamble to the Framework 53 final rule (80 FR 25110; May 1, 2015).

TABLE 6—PROPOSED CATCH LIMITS FOR THE 2021 FISHING YEAR [mt, live weight]

Stock	Total ACL	Groundfish sub-ACL	Sector sub-ACL	Common pool sub-ACL	Recreational sub-ACL	Midwater trawl fishery	Scallop fishery	Small-mesh fisheries	State waters sub-component	Other sub-component
	A to H	A+B+C	A	B	C	D	E	F	G	H
GB Cod	1,250	1,093	1,045	48					20	137
GOM Cod	523	463	262	8.2	193				48	12
GB Haddock	78,574	76,622	74,096	2,526		1,539			0	414
GOM Haddock	15,843	15,575	10,023	258	5,295	156			56	56
GB Yellowtail Flounder	78	64	59	5.1			12	1.5	0.0	0.0
SNE/MA Yellowtail Flounder	21	16	12	3.6			2.0		0.2	3.3
CC/GOM Yellowtail Flounder	787	692	651	41					58	37
American Plaice	2,740	2,682	2,592	90					29	29
Witch Flounder	1,414	1,317	1,273	44					44	52
GB Winter Flounder	591	563	517	47					0	27
GOM Winter Flounder	482	281	267	14					194	7.5
SNE/MA Winter Flounder	441	288	247	41					21	132
Redfish	9,677	9,677	9,537	139					0	0
White Hake	2,041	2,019	1,994	25					11	11
Pollock	21,086	18,549	18,355	193					1,434	1,103
N Windowpane Flounder	150	108	na	108			31		0.8	10
S Windowpane Flounder	371	43	na	43			129		23	177
Ocean Pout	83	50	na	50					0	33
Atlantic Halibut	97	73	na	73					20	3.5
Atlantic Wolffish	86	86	na	86					0	0

na: Not allocated to sectors.

TABLE 7—PROPOSED CATCH LIMITS FOR THE 2022 FISHING YEAR [mt, live weight]

Stock	Total ACL	Groundfish sub-ACL	Sector sub-ACL	Common pool sub-ACL	Recreational sub-ACL	Midwater trawl fishery	Scallop fishery	Small-mesh fisheries	State waters sub-component	Other sub-component
	A to H	A+B+C	A	B	C	D	E	F	G	H
GB Cod	1,250	1,093	1,045	48					20	137
GOM Cod	523	463	262	8.2	193				48	12
GB Haddock	77,168	75,250	72,770	2,481		1,511			0	406
GOM Haddock	10,873	10,690	6,879	177	3,634	107			38	38
GB Yellowtail Flounder	78	64	59	5.1			12	1.5	0	0
SNE/MA Yellowtail Flounder	21	16	12	3.6			2.0		0.2	3.3

TABLE 7—PROPOSED CATCH LIMITS FOR THE 2022 FISHING YEAR—Continued
[mt, live weight]

Stock	Total ACL	Groundfish sub-ACL	Sector sub-ACL	Common pool sub-ACL	Recreational sub-ACL	Midwater trawl fishery	Scallop fishery	Small-mesh fisheries	State waters sub-component	Other sub-component
	A to H	A+B+C	A	B	C	D	E	F	G	H
CC/GOM Yellowtail Flounder	787	692	651	41					58	37
American Plaice	2,687	2,630	2,542	89					28	28
Witch Flounder	1,414	1,317	1,273	44					44	52
GB Winter Flounder	591	563	517	47					0	27
GOM Winter Flounder	482	281	267	14					194	7.5
SNE/MA Winter Flounder	441	288	247	41					21	132
Redfish	9,559	9,559	9,421	138					0	0
White Hake	2,041	2,019	1,994	25					11	11
Pollock	16,068	14,135	13,988	147					1,093	841
N. Windowpane Flounder	150	108	na	108			31		0.8	10
S. Windowpane Flounder	371	43	na	43			129		23	177
Ocean Pout	83	50	na	50					0	33
Atlantic Halibut	97	73	na	73					20	3.5
Atlantic Wolffish	86	86	na	86					0	0

Na: not allocated to sectors.

TABLE 8—PROPOSED CATCH LIMITS FOR THE 2023 FISHING YEAR
[mt, live weight]

Stock	Total ACL	Groundfish sub-ACL	Sector sub-ACL	Common pool sub-ACL	Recreational sub-ACL	Midwater trawl fishery	Scallop fishery	Small-mesh fisheries	State waters sub-component	Other sub-component
	A to H	A+B+C	A	B	C	D	E	F	G	H
GB Cod*										
GOM Cod*										
GB Haddock*										
GOM Haddock*										
GB Yellowtail Flounder**										
SNE/MA Yellowtail Flounder*										
CC/GOM Yellowtail Flounder*										
American Plaice*										
Witch Flounder*										
GB Winter Flounder	591	563	517	47					0	27
GOM Winter Flounder	482	281	267	14					194	7.5
SNE/MA Winter Flounder	441	288	247	41					21	132
Redfish	9,469	9,469	9,332	136					0	0
White Hake*										
Pollock*										
N Windowpane Flounder	150	108	na	108			31		0.8	10
S Windowpane Flounder	371	43	na	43			129		23	177
Ocean Pout	83	50	na	50					0	33
Atlantic Halibut	97	73	na	73					20	3.5
Atlantic Wolffish	86	86	na	86					0	0

na: Not allocated to sectors.

*These stocks only have an allocation for fishing years 2021–2022, previously approved in Framework 59.

** Framework 61 proposes allocations for GB yellowtail flounder for fishing years 2021 and 2022 only.

TABLE 9—PROPOSED FISHING YEARS 2021–2023 COMMON POOL TRIMESTER TACS
[mt, live weight]

Stock	2021			2022			2023		
	Trimester 1	Trimester 2	Trimester 3	Trimester 1	Trimester 2	Trimester 3	Trimester 1	Trimester 2	Trimester 3
GB Cod	13.4	16.3	18.2	13.4	16.3	18.2			
GOM Cod	4.0	2.7	1.5	4.0	2.7	1.5			
GB Haddock	682.0	833.5	1010.4	669.8	818.6	992.3			
GOM Haddock	69.6	67.1	121.2	47.8	46.0	83.2			
GB Yellowtail Flounder	1.0	1.5	2.6	1.0	1.5	2.6			
SNE/MA Yellowtail Flounder	0.8	1.0	1.8	0.8	1.0	1.8			

TABLE 9—PROPOSED FISHING YEARS 2021–2023 COMMON POOL TRIMESTER TACs—Continued
[mt, live weight]

Stock	2021			2022			2023		
	Trimester 1	Trimester 2	Trimester 3	Trimester 1	Trimester 2	Trimester 3	Trimester 1	Trimester 2	Trimester 3
CC/GOM Yellowtail Flounder ..	23.6	10.8	7.0	23.6	10.8	7.0	.....	.....	.....
American Plaice	66.8	7.2	16.3	65.5	7.1	15.9	.....	.....	.....
Witch Flounder	24.3	8.8	11.0	24.3	8.8	11.0	.....	.....	.....
GB Winter Flounder	3.7	11.2	31.7	3.7	11.2	31.7	3.7	11.2	31.7
GOM Winter Flounder	5.1	5.3	3.5	5.1	5.3	3.5	5.1	5.3	3.5
Redfish	34.8	43.2	61.3	34.4	42.7	60.6	34.1	42.3	60.0
White Hake	9.5	7.8	7.8	9.5	7.8	7.8	.....	.....	.....
Pollock	54.1	67.6	71.5	41.2	51.5	54.5	.....	.....	.....

TABLE 10—PROPOSED COMMON POOL INCIDENTAL CATCH TACs FOR THE 2021–2023 FISHING YEARS
[mt, live weight]

Stock	Percentage of common pool sub-ACL	2020	2021	2022
GB Cod	1.68	0.81	0.81	.....
GOM Cod	1	0.08	0.08	.....
GB Yellowtail Flounder	2	0.10	0.10	.....
CC/GOM Yellowtail Flounder	1	0.41	0.41	.....
American Plaice	5	4.51	4.43	.....
Witch Flounder	5	2.21	2.21	.....
SNE/MA Winter Flounder	1	0.41	0.41	0.41

TABLE 11—PERCENTAGE OF INCIDENTAL CATCH TACs DISTRIBUTED TO EACH SPECIAL MANAGEMENT PROGRAM

Stock	Regular B DAS program (percent)	Eastern U.S./CA haddock SAP (percent)
GB Cod	60	40
GOM Cod	100	n/a
GB Yellowtail Flounder	50	50
CC/GOM Yellowtail Flounder	100	n/a
American Plaice	100	n/a
Witch Flounder	100	n/a
SNE/MA Winter Flounder	100	n/a

TABLE 12—PROPOSED FISHING YEARS 2021–2023 INCIDENTAL CATCH TACs FOR EACH SPECIAL MANAGEMENT PROGRAM
[mt, live weight]

Stock	Regular B DAS program			Eastern U.S./Canada haddock SAP		
	2021	2022	2023	2021	2022	2023
GB Cod	0.48	0.48	.....	0.32	0.32	.....
GOM Cod	0.08	0.08	.....	n/a	n/a	n/a
GB Yellowtail Flounder	0.05	0.05	.....	0.05	0.05	.....
CC/GOM Yellowtail Flounder	0.41	0.41	.....	n/a	n/a	n/a
American Plaice	4.51	4.43	.....	n/a	n/a	n/a
Witch Flounder	2.21	2.21	.....	n/a	n/a	n/a
SNE/MA Winter Flounder	0.41	0.41	0.41	n/a	n/a	n/a

TABLE 13—PROPOSED FISHING YEARS 2021–2023 REGULAR B DAS PROGRAM QUARTERLY INCIDENTAL CATCH TACs
[mt, live weight]

Stock	2021				2022				2023			
	1st Quarter (13 percent)	2nd Quarter (29 percent)	3rd Quarter (29 percent)	4th Quarter (29 percent)	1st Quarter (13 percent)	2nd Quarter (29 percent)	3rd Quarter (29 percent)	4th Quarter (29 percent)	1st Quarter (13 percent)	2nd Quarter (29 percent)	3rd Quarter (29 percent)	4th Quarter (29 percent)
GB Cod	0.06	0.14	0.14	0.14	0.06	0.14	0.14	0.14	.....	.....	.....	.....
GOM Cod	0.01	0.02	0.02	0.02	0.01	0.02	0.02	0.02	.....	.....	.....	.....
GB Yellowtail Flounder	0.007	0.015	0.015	0.015	0.01	0.01	0.01	0.01	.....	.....	.....	.....

TABLE 13—PROPOSED FISHING YEARS 2021–2023 REGULAR B DAS PROGRAM QUARTERLY INCIDENTAL CATCH TACS—
Continued
[mt, live weight]

Stock	2021				2022				2023			
	1st Quarter (13 percent)	2nd Quarter (29 percent)	3rd Quarter (29 percent)	4th Quarter (29 percent)	1st Quarter (13 percent)	2nd Quarter (29 percent)	3rd Quarter (29 percent)	4th Quarter (29 percent)	1st Quarter (13 percent)	2nd Quarter (29 percent)	3rd Quarter (29 percent)	4th Quarter (29 percent)
CC/GOM Yellowtail Flounder ..	0.05	0.12	0.12	0.12	0.05	0.12	0.12	0.12	.....	.....	.....	.....
American Plaice	0.59	1.31	1.31	1.31	0.58	1.28	1.28	1.28	.....	.....	.....	.....
Witch Flounder	0.29	0.64	0.64	0.64	0.29	0.64	0.64	0.64	.....	.....	.....	.....
SNE/MA Winter Flounder	0.05	0.12	0.12	0.12	0.05	0.12	0.12	0.12	0.05	0.12	0.12	0.12

6. Universal Sector Exemption for Acadian Redfish (Redfish)

Proposed Universal Sector Exemption for Redfish

This rule proposes to approve and implement a new universal sector exemption that would allow sector vessels to target redfish within a defined area using a 5.5-inch (14.0-centimeters (cm)) mesh codend. Redfish is a healthy stock that sectors already harvest under a sector exemption that is evaluated and approved as part of the sector operations plan process annually or biennially. The redfish exemption was most recently approved in the 2021–2022 sector final rule (86 FR 22898; April 30, 2021), under the Regional Administrator’s authority (50 CFR 648.87(c)(2)). As part of this rule, which proposes to approve a new universal sector exemption for redfish, we would also eliminate the current sector exemption for redfish. This will prevent conflict and confusion between two very similar exemptions, and is consistent with the Council’s intent to replace the current redfish sector exemption with a new universal redfish exemption for sectors.

Since fishing year 2012, we have approved annual exemptions that allow sector vessels to target redfish with a sub-legal size mesh codend, ranging from 4.5 inches (11.4 cm) to 6 inches (15.2 cm), with different versions of the exemptions requiring different levels of monitoring, different catch thresholds, and different areas where vessels are allowed to use the exemption. Currently, the exemption allows vessels to fish with a 5.5-inch (14.0-cm) codend, with standard at-sea or electronic

monitoring coverage, in a defined redfish exemption area (Figure 1). Sectors must also meet a 50-percent or greater redfish catch threshold and a less than 5-percent groundfish discards threshold, each on a monthly basis. This exemption is monitored and approved as part of the standard sector operations plan annual or biennial approval process, which considers the objectives of the FMP in approving and disapproving exemption requests.

The proposed universal exemption would expand the current redfish exemption area (Figure 2), create two seasonal closures of the redfish exemption area, add a 55-percent or greater annual redfish catch threshold, modify the existing monthly catch and discard thresholds, and create provisions that require sectors to be placed in probationary status and/or have their vessels prohibited from using the universal exemption if catch or discard thresholds are not met. The reporting and monitoring requirements of the universal exemption would remain the same as the annually approved redfish exemption, however, those requirements would be codified in regulation rather than detailed in sector operations plans. The Council put forward a universal redfish exemption, instead of an annual sector exemption, in order to increase stability for fishery participants and to improve Council oversight of the redfish fishery.

If approved, the redfish exemption would be added to the list of universal sector exemptions. Additionally, a sector redfish exemption program, corresponding to the universal exemption, would be described in

regulations, defining terms of the program, including vessel eligibility, area, gear, monitoring thresholds, and other administrative elements of the exemption program. Under the program, eligibility would be limited to sector vessels that hold Northeast multispecies permits permitting the use of 6.5-inch (16.5-cm) inch codends under existing regulations. The defined Redfish Exemption Area would encompass much of the offshore portion of the Gulf of Maine regulated mesh area south of 43 degrees 20 minutes North latitude, and portions of the Georges Bank regulated mesh area north of 42 degrees North latitude (Figure 2). There would be two seasonal closures of the Redfish Exemption Area: The Redfish Exemption Area Cod Closure and the Redfish Exemption Area Seasonal Closure II. The Redfish Exemption Area Cod Closure, which aligns with block 131, would be closed to redfish exemption fishing for the months of February and March to avoid catch of Gulf of Maine cod (Figure 2). The Redfish Exemption Area Seasonal Closure II, which includes the United States portion of statistical area 464, would be closed to redfish exemption fishing from September 1 through December 31 to reduce catch of non-redfish stocks (Figure 2). Vessels fishing under the proposed universal exemption would continue to be prohibited from fishing in groundfish closure areas, habitat management areas, or any other areas that prohibit fishing with trawl gear that fall within the bounds of the Redfish Exemption Area.

BILLING CODE 3510-22-P

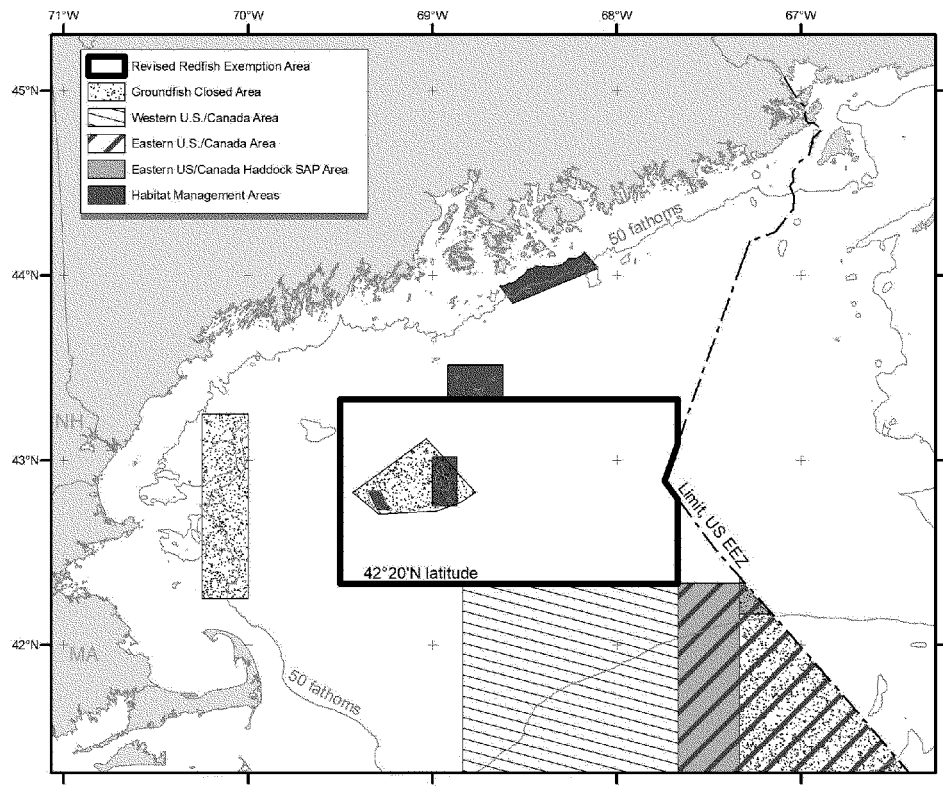


Figure 1 – Fishing Year 2020 Redfish Exemption Area

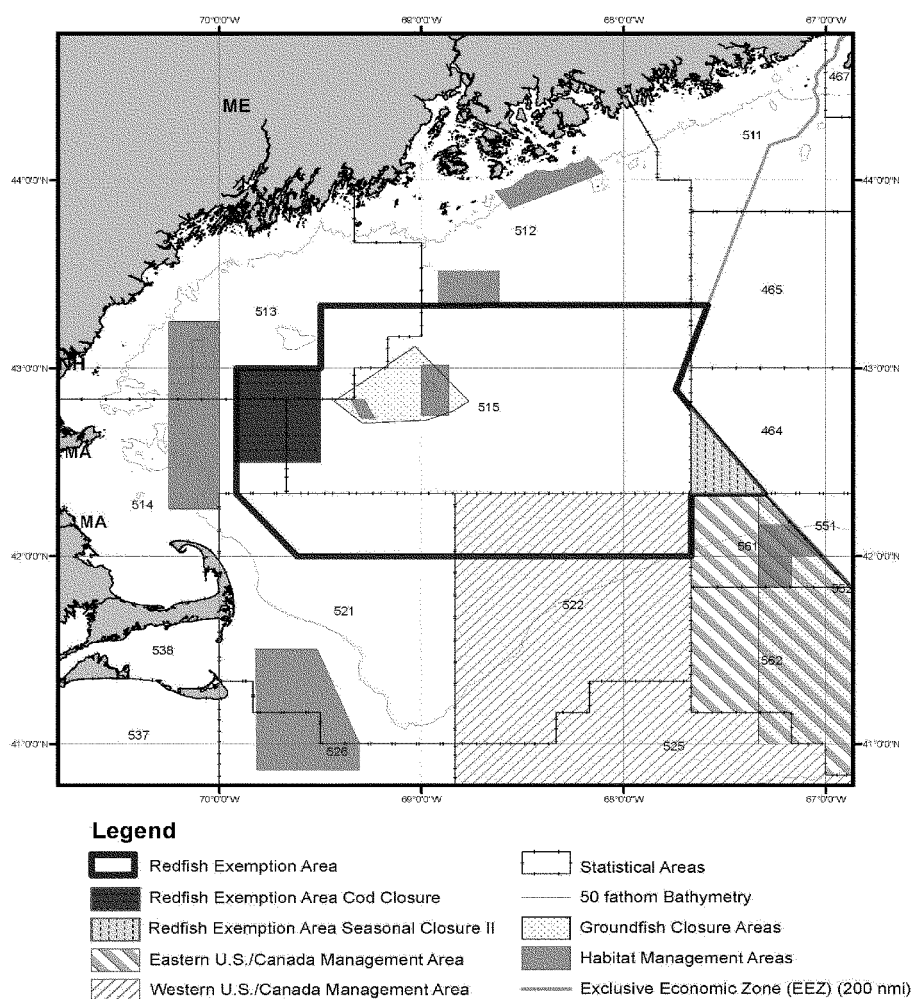


Figure 2 – Proposed Universal Redfish Exemption Area

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Vessels planning to fish under the provisions of the proposed exemption program would be required to declare their intent to fish under the exemption prior to leaving the dock. Vessels would also be required to submit pre-trip notifications for observer coverage selection, and to carry observers or at-sea monitors if selected for coverage, or to use electronic monitoring consistent with monitoring regulations. Vessels declaring into the program would be required to submit daily catch reports even if they do not use the exemption. Vessels would be allowed to fish for groundfish as they normally would on the first part of their groundfish trip, inside or out of the Redfish Exemption Area. Prior to fishing with a smaller mesh codend under the universal exemption, vessels would be required to notify NMFS that they are switching to small mesh; this notification indicates that the vessel is now on the redfish portion of its trip. Vessels would be

prohibited from fishing outside the Redfish Exemption Area when on the redfish exemption portion of their trip, and all activity during this portion of the trip, regardless of mesh size, would contribute to catch and discard thresholds. Vessels that do not submit this notification, daily catch reports, or declare into the exemption program would be prohibited from participating in the exemption for that trip. On the redfish portion of their trips, vessels would be allowed to use a codend with mesh of 5.5 inches (14.0 cm) or larger, square or diamond. Codends with mesh smaller than would otherwise be permitted by regulation would be required to be stowed during transit to and from the Redfish Exemption Area, and when not in use. Vessels would also be required to stow any non-trawl gear for the duration of a trip where the vessel has declared its intent to fish under the redfish exemption.

The proposed universal redfish exemption would require sectors to

meet several catch and discard thresholds to encourage responsible use of the exemption by sector vessels to harvest redfish. The thresholds include a monthly landings threshold of 50-percent or greater redfish among landings of allocated groundfish, a monthly discard threshold of 5-percent or less discards of all groundfish from total observed catch, and an annual landings threshold of 55-percent or greater redfish among landings of allocated groundfish. All thresholds would be for the exemption portion of trips by the vessels in each sector. If the vessels in a sector fail to meet the monthly landings or discard thresholds for four or more months or three consecutive months in a fishing year, the Regional Administrator would be required to prohibit vessels in that sector from fishing under the exemption for the remainder of the fishing year. Additionally, the Regional Administrator would be required to place the sector in a probationary status

for the following fishing year. Similarly, if the vessels in a sector failed to meet the annual landings threshold in a given fishing year, the Regional Administrator would be required to place the sector in a probationary status the following fishing year. If a sector is under probationary status and fails to meet either the monthly landings or discard thresholds for four or more months or three consecutive months, the Regional Administrator would be required to prohibit vessels in that sector from fishing under the redfish exemption for the remainder of that fishing year, and the following fishing year. If the vessels in a sector under probationary status fail to meet the annual catch threshold, then the Regional Administrator would be required to prohibit vessels in that sector from fishing under the exemption for the following fishing year. NMFS would monitor the thresholds, notify sectors if they fail to meet the thresholds, and make necessary changes to sector operations plans and letters of authorization to implement probationary status or prohibitions on exemption fishing as needed.

The Council would review the universal redfish exemption after the next peer-reviewed stock assessment is completed for the redfish stock. The review would consider the Council's goals and objectives for the exemption including: To achieve optimum yield of redfish, to allow the use of efficient mesh codend to harvest redfish, to increase redfish harvest while reducing bycatch of other stocks, to allow operational flexibility for vessels targeting redfish, and to exclude areas from the exemption which provide little opportunity to efficiently target redfish or achieve performance thresholds.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has made a preliminary determination that this proposed rule is consistent with Framework 61, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment. In making the final determination, we will consider the data, views, and comments received during the public comment period.

This proposed rule has been determined to be not significant for purposes of Executive Order (E.O.) 12866.

This proposed rule does not contain policies with federalism or takings implications as those terms are defined in E.O. 13132 and E.O. 12630, respectively.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The factual determination for this determination is as follows.

Periodic framework adjustments are used to revise the Northeast Multispecies FMP in response to new scientific information to support catch limits that prevent overfishing and other adjustments to improve management measures included in the FMP. Framework 61 proposes to revise groundfish fishery specifications for fishing years 2021–2023 (May 1, 2021, through April 30, 2024) for nine groundfish stocks. Specifications for shared U.S./Canada groundfish stocks would also be updated for the 2021 fishing year. The recreational groundfish, Atlantic sea scallop, small-mesh multispecies, Atlantic herring, and large-mesh non-groundfish fisheries would be affected by the setting of specifications and sub-allocations of various groundfish stocks including: GOM cod and GOM haddock for the recreational groundfish fishery, four flatfish stocks (GB yellowtail flounder, SNE/MA yellowtail flounder, northern windowpane flounder, and southern windowpane flounder) for the Atlantic sea scallop fishery, GB yellowtail flounder for the small-mesh groundfish fishery, and GOM and GB haddock for the Atlantic herring midwater trawl fishery. Framework 61 would also revise SDCs for GB winter flounder and SNE/MA winter flounder as well as revise the stock rebuilding strategy for white hake. Lastly, Framework 61 would implement a universal sector exemption to allow sectors to target redfish with 5.5-inch (14.0-cm) mesh codend in a specified exemption area.

The Regulatory Flexibility Act (RFA) requires Federal agencies to consider disproportionality and profitability to determine the significance of regulatory impacts. For RFA purposes only, NMFS has established a small business size standard for businesses, including their affiliates, whose primary industry is commercial fishing (see 50 CFR 200.2). A business primarily engaged in commercial fishing (NAICS code 11411) is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined annual receipts not in excess of \$11 million for all its affiliated operations worldwide. The determination as to whether the entity is large or small is based on the average

annual revenue for the three years from 2017 through 2019. The Small Business Administration (SBA) has established size standards for all other major industry sectors in the U.S., including for-hire fishing (NAICS code 487210). These entities are classified as small businesses if combined annual receipts are not in excess of \$8.0 million for all its affiliated operations. As with commercial fishing businesses, the annual average of the three most recent years (2017–2019) is utilized in determining annual receipts for businesses primarily engaged in for-hire fishing.

As of June 1, 2020, NMFS had issued 762 commercial limited-access groundfish permits associated with vessels (including those in confirmation of permit history, CPH), 584 party/charter groundfish permits, 706 limited access and general category Atlantic sea scallop permits, 693 small-mesh multispecies permits, 81 Atlantic herring permits, and 810 large-mesh non-groundfish permits (limited access summer flounder and scup permits). Therefore, this action potentially regulates 3,636 permits. When accounting for overlaps between fisheries, this number falls to 2,102 permitted vessels. Each vessel may be individually owned or part of a larger corporate ownership structure, and for RFA purposes, it is the ownership entity that is ultimately regulated by the proposed action. Ownership entities are identified on June 1st of each year based on the list of all permit numbers, for the most recent complete calendar year, that have applied for any type of Northeast Federal fishing permit. The current ownership data set is based on calendar year 2019 permits and contains gross sales associated with those permits for calendar years 2017 through 2019.

Based on the ownership data, 1,637 distinct business entities hold at least one permit that the proposed action potentially regulates. All 1,637 business entities identified could be directly regulated by this proposed action. Of these 1,637 entities, 1,000 are commercial fishing entities, 293 are for-hire entities, and 344 did not have revenues (were inactive in 2019). Of the 1,000 commercial fishing entities, 990 are categorized as small entities and 10 are categorized as large entities, per the NMFS guidelines. All 293 for-hire entities are categorized as small businesses.

The Framework 61 measures would enhance the operational flexibility of fishermen and increase profits overall. The measures proposed in Framework 61 are estimated to generate \$44.9–\$45.3 million in sector revenue from the catch

of Multispecies groundfish, \$62.7–\$63.5 million in total revenue from all fish caught on sector groundfish trips, and \$46.4–\$47.1 million in operating profit from sector groundfish trips during fishing year 2021. Under No Action, estimated sector revenue from the catch of Multispecies groundfish is \$11.4 million, revenue from all fish caught on sector groundfish trips is \$16.0 million, and operating profit from sector groundfish trips is \$11.8 million. Small entities engaged in the commercial sector groundfish fishery will therefore be positively impacted by the proposed action, relative to No Action. Small entities engaged in common pool groundfish fishing are also expected to be positively impacted by the proposed action. Other commercial fisheries which have sub-ACLs for groundfish stocks (Atlantic sea scallop, Atlantic herring, small-mesh multispecies, large-mesh non-groundfish), are not expected to be negatively impacted by the proposed action, if catch follows recent performance in these fisheries. The details of these economic analyses are included in Framework 58 (see ADDRESSES).

This action is not expected to have a significant economic impact on a substantial number of small entities. The effects on the regulated small entities identified in this analysis are expected to be positive relative to the no action alternative, which would result in lower revenues and profits than the proposed action. These measures would enhance the operational flexibility of groundfish fishermen, and increase profits. Under the proposed action, small entities would not be placed at a competitive disadvantage relative to large entities, and the regulations would not reduce the profits for any small entities relative to taking no action. As a result, an initial regulatory flexibility analysis is not required and none has been prepared.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Recordkeeping, and reporting requirements.

Dated: June 21, 2021.

Samuel D. Rauch, III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons stated in the preamble, 50 CFR part 648 is proposed to be amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

■ 1. The authority citation for part 648 continues to read as follows:

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

■ 2. In § 648.14, add paragraph (k)(21) to read as follows:

§ 648.14 Prohibitions.

* * * * *

(k) * * *

(21) *Universal sector exemption programs—(i) Redfish Exemption Program.* (A) While fishing under the provisions of the Redfish Exemption Program, it is unlawful for any person to:

- (1) Fish with a codend of mesh smaller than 5.5-inch (14.0-cm) diamond or square,
- (2) Fish outside of the Redfish Exemption Area specified in § 648.85(e)(1)(ii),
- (3) Fish in the Redfish Exemption Area Cod Closure specified in § 648.85(e)(1)(ii)(A) during the closure period,
- (4) Fish in the Redfish Exemption Area Seasonal Closure II specified in § 648.85(e)(1)(ii)(B) during the closure period,
- (5) Fail to comply with the declaration requirements of the Redfish Exemption Program specified in § 648.85(e)(1)(iv),
- (6) Fail to comply with the reporting requirements of the Redfish Exemption Program specified in § 648.85(e)(1)(v), or
- (7) Fail to comply with the gear requirements of the Redfish Exemption Program specified in § 648.85(e)(1)(vii), or fish with any gear other than trawl.

(B) It is unlawful for any person to fish under the provisions of the Redfish Exemption Program when prohibited from doing so by the Regional Administrator under § 648.85(e)(1)(viii)(C), or when ineligible or prohibited for any other reason.

(ii) [Reserved]

* * * * *

■ 3. In § 648.85, add paragraph (e) to read as follows:

§ 648.85 Special management programs.

* * * * *

(e) *Universal exemption programs for sector vessels—(1) Redfish Exemption Program—(i) Eligibility.* Any vessel enrolled in a NMFS approved Northeast multispecies sector and issued a limited access Northeast multispecies permit that allows the use of trawl gear consistent with paragraph (e)(1)(vii) of this section may fish in compliance with the provisions of the Redfish Exemption Program described in paragraphs (e)(1)(ii) through (viii) of this section, except those vessels enrolled in a sector whose members have been prohibited from doing so by the Regional Administrator under paragraph (e)(1)(viii)(C) of this section, or those

vessels ineligible or prohibited for any other reason. Letters of authorization issued pursuant to § 648.87(c)(2) shall authorize or prohibit participation in the program by sector vessels consistent with paragraph (e)(1)(viii)(C) of this section.

(ii) *Redfish Exemption Area.* The Redfish Exemption Area is the area defined by straight lines connecting the following points in the order stated (a chart depicting this area is available from the Regional Administrator upon request):

TABLE 14 TO PARAGRAPH (e)(1)(ii)

Point	N Lat.	W Long.
A	43°00'	69°55'
B	43°00'	69°30'
C	43°20'	69°30'
D	43°20'	(1)
E	42°53.24'	67°44.55'
F	42°20'	(2)
G	42°20'	67°40'
H	42°20'	67°40'
I	42°00'	69°37'
J	42°20'	69°55'
A	43°00'	69°55'

¹ US EEZ longitude, approximately 67°35.07'.

² US EEZ longitude, approximately 67°18.17'.

(A) *Redfish Exemption Area Cod Closure.* No vessel may participate in the Redfish Exemption Program inside the Redfish Exemption Area Cod Closure from February 1 through March 31 of each year. The Redfish Exemption Area Cod Closure is the area defined by straight lines connecting the following points in the order stated:

TABLE 15 TO PARAGRAPH (e)(1)(ii)(A)

Point	N Lat.	W Long.
A	43°00'	69°55'
B	43°00'	69°30'
K	42°30'	69°30'
L	42°30'	69°55'
A	43°00'	69°55'

(B) *Redfish Exemption Area Seasonal Closure II.* No vessel may participate in the Redfish Exemption Program inside the Redfish Exemption Area Seasonal Closure II from September 1 through December 31 of each year. The Redfish Exemption Area Seasonal Closure II is the area defined by straight lines connecting the following points in the order stated:

TABLE 16 TO PARAGRAPH (e)(1)(ii)(B)

Point	N Lat.	W Long.
M	42°47.17'	67°40'
F	42°20'	(1)

TABLE 16 TO PARAGRAPH
(e)(1)(ii)(B)—Continued

Point	N Lat.	W Long.
G	42°20'	67°40'
M	42°47.17'	67°40'

¹ US EEZ longitude, approximately 67°18.17'.

(C) No vessel may participate in the Redfish Exemption Program in any areas that are otherwise closed to fishing for Northeast multispecies or fishing with trawl gear, including but not limited to year-round closed areas, seasonal closed areas, or habitat closures.

(iii) *Season.* An eligible vessel as described in paragraph (e)(1)(i) of this section may participate in the Redfish Exemption Program from May 1 through April 30 of each year as authorized in the vessel's letter of authorization issued pursuant to § 648.87(c)(2), unless otherwise prohibited in the letter of authorization under paragraph (e)(1)(viii)(C) of this section.

(iv) *Declaration.* To participate in the Redfish Exemption Program on a sector trip, an eligible vessel must declare its intent to do so through the VMS prior to leaving the dock, in accordance with instructions provided by the Regional Administrator.

(A) *Pre-trip notification.* For the purposes of selecting vessels for observer deployment or electronic monitoring, a vessel participating in the Redfish Exemption Program must comply with all pre-trip notification requirements at § 648.11(l).

(B) [Reserved]

(v) *Reporting—(A) Daily catch reporting.* The owner or operator of a vessel that has declared into the Redfish Exemption Program as required in paragraph (e)(1)(iv) of this section must submit catch reports via VMS, for each day of the fishing trip. Vessels subject to the daily reporting requirement must report daily for the entire fishing trip, including any portion fished outside of the Redfish Exemption Area. The reports must be submitted in 24-hr intervals for each day, beginning at 0000 hr and ending at 2359 hr, and must be submitted by 0900 hr of the following day, or as instructed by the Regional Administrator. The reports must include at least the following information:

(1) VTR serial number or other universal ID specified by the Regional Administrator;

(2) Date fish were caught and statistical area in which fish were caught; and

(3) Total pounds of each regulated Northeast multispecies and ocean pout kept (in pounds, live weight) as well as

the total pounds of other kept catch (in pounds, live weight) in each statistical area, as instructed by the Regional Administrator.

(B) *Redfish exemption fishing notification.* Before switching to a smaller mesh codend allowed under the Redfish Exemption Program, the owner or operator of a vessel must submit a redfish exemption fishing notification. This notification is provided with an additional catch report submitted via VMS, reporting all catch on board and indicating that the vessel is switching to a smaller mesh codend. This notification indicates that the vessel is now fishing under the provisions of the Redfish Exemption Program. Vessels that fail to declare into the Redfish Exemption Program as required in paragraph (e)(1)(iv) of this section may not fish under the Redfish Exemption Program even if this notification is sent. The notification must include at least the following information:

(1) VTR serial number or other universal ID specified by the Regional Administrator;

(2) Date fish were caught and statistical area in which fish were caught;

(3) Total pounds of each regulated Northeast multispecies and ocean pout kept (in pounds, live weight) as well as the total pounds of other kept catch (in pounds, live weight) in each statistical area, as instructed by the Regional Administrator; and

(4) Indication that the vessel is now switching to a smaller mesh codend.

(vi) *Area fished.* (A) A vessel that has declared its intent to fish under the Redfish Exemption Program consistent with paragraph (e)(1)(iv) of this section may conduct the first part of its trip outside the provisions of the Redfish Exemption Program, subject to all other Northeast multispecies regulations including codend mesh size, prior to sending a redfish exemption fishing notification as described in paragraph (e)(1)(v)(B) of this section.

(B) Once a vessel has sent a redfish exemption fishing notification as described in paragraph (e)(1)(v)(B) of this section, the vessel is prohibited from fishing outside of the Redfish Exemption Area for the remainder of its trip.

(vii) *Gear requirements.* Vessels may only use trawl gear when declared into and fishing in the Redfish Exemption Program. Vessels may fish in the Redfish Exemption Program with any trawl gear, including, but not limited to, otter trawl, haddock separator trawl, flounder trawl, or Ruhle trawl.

(A) *Minimum codend mesh size.* The minimum codend mesh size for vessels

fishing in the Redfish Exemption Program is 5.5-inch square or diamond mesh. All other trawl net restrictions listed in § 648.80(a)(3)(i) and (a)(4)(i), including minimum mesh sizes for the net body and extensions, still apply.

(B) *Gear stowage.* Codends with mesh smaller than otherwise permitted by regulation at § 648.80(a)(3)(i) and (a)(4)(i), or § 648.87(c)(2)(ii)(D), must be stowed during transit to and from the Redfish Exemption Area, and when not in use under the Redfish Exemption Program. Any non-trawl fishing gear must be stowed for the duration of any trip for which a vessel declared its intent to fish under the Redfish Exemption Program consistent with paragraph (e)(1)(iv) of this section. Stowed gear must be not available for immediate use consistent with definitions in § 648.2

(viii) *Catch Thresholds—(A) Monthly Performance Thresholds.* (1) *Monthly Redfish Landings Threshold—*Monthly redfish landings by a sector whose member vessels fish under the provisions of the Redfish Exemption Program may not be less than 50 percent of all the allocated Northeast multispecies stocks landed each month while fishing under the provisions of the Redfish Exemption Program.

(2) *Monthly Discards Threshold—*Monthly observed discards of regulated Northeast multispecies and ocean pout by a sector whose member vessels fish under the provisions of the Redfish Exemption Program may not exceed 5 percent of total observed kept catch, for those portions of trips fished each month under the provisions of the Redfish Exemption Program.

(B) *Annual Performance Thresholds.* (1) *Annual Redfish Landings Threshold—*Annual fishing year redfish landings by a sector whose member vessels fish under the provisions of the Redfish Exemption Program may be no less than 55 percent of all the allocated Northeast multispecies stocks landed while fishing under the provisions of the Redfish Exemption Program.

(C) *Administration of Thresholds.* (1) If a sector fails to meet the monthly redfish landings threshold or the monthly discards threshold described in paragraphs (e)(1)(viii)(A)(1) and (2) of this section for four or more months total, or three or more consecutive months, in a fishing year, the Regional Administrator shall prohibit all vessels in that sector from fishing under the provisions of the Redfish Exemption Program for the remainder of the fishing year, and place the sector and its vessels in a probationary status for one fishing year beginning the following fishing year.

(2) If a sector fails to meet the annual redfish landings threshold described in paragraph (e)(1)(viii)(B)(1) of this section in a fishing year, the Regional Administrator shall place the sector and its vessels in a probationary status for one fishing year beginning the following fishing year.

(3) While in probationary status as described in paragraph (e)(1)(viii)(C)(1) or (2) of this section, if the sector fails to meet the monthly redfish landings threshold or the monthly discards threshold described in paragraphs (e)(1)(viii)(A)(1) and (2) of this section for four or more months total, or three or more consecutive months, in that fishing year, the Regional Administrator shall prohibit all vessels in that sector from fishing under the provisions of the Redfish Exemption Program for the remainder of the fishing year and the following fishing year.

(4) If a sector fails to meet the annual redfish landings threshold in (e)(1)(viii)(B)(1) of this section for any fishing year during which the sector is in a probationary status as described in paragraph (e)(1)(viii)(C)(1) or (2) of this section, the Regional Administrator shall prohibit all vessels in that sector from fishing under the provisions of the Redfish Exemption Program for the following fishing year.

(5) The Regional Administrator may determine a sector has failed to meet required monthly or annual thresholds described in paragraphs (e)(1)(viii)(A) and (B) of this section using available information including, but not limited to, vessel declarations and notifications, vessel trip reports, dealer reports, and observer and electronic monitoring records.

(6) The Regional Administrator shall notify a sector of a failure to meet the

required monthly or annual thresholds and the sector's vessels prohibition or probation status consistent with the provisions in paragraphs (e)(1)(viii)(C)(1) through (5) of this section. The Regional Administrator shall also make administrative amendments to the approved sector operations plan and issue sector vessel letters of authorization consistent with the provisions in paragraphs (e)(1)(viii)(C)(1) through (5) of this section. These administrative amendments may be made during a fishing year or during the sector operations plan and sector contract approval process.

(7) A sector may request in writing that the Regional Administrator review and reverse a determination made under the provisions of this section within 30 days of the date of the Regional Administrator's determination. Any such request must be based on information showing the sector complied with the required thresholds, including, but not limited to, landing, discard, observer or electronic monitoring records. The Regional Administrator will review and maintain or reverse the determination and notify the sector of this decision in writing. Any determination resulting from a review conducted under this provision is final and may not be reviewed further.

(ix) *Program review.* The Council will review the Redfish Exemption Program after the first peer-reviewed redfish stock assessment following implementation of the program. The Council will prepare a report, which may include, but is not limited to, an evaluation of threshold performance, vessel-level performance, bycatch of non-redfish stocks, and changes in catch

selectivity, and will consider the goals and objectives of the Redfish Exemption Program and the FMP. The Council may decide, as needed, to conduct additional reviews following the review outlined in this section.

(2) [Reserved]

* * * * *

■ 4. Amend § 648.87 by revising paragraphs (c)(2)(ii)(B) through (D) and adding paragraph (c)(2)(ii)(E) to read as follows:

§ 648.87 Sector allocation.

* * * * *

(c) * * *

(2) * * *

(ii) * * *

(B) The GOM Cod Protection Closures IV and V specified in § 648.81(d)(4)(iv) and (v);

(C) NE multispecies DAS restrictions other than those required to comply with effort controls in other fisheries, as specified in §§ 648.92 and 648.322;

(D) The minimum codend mesh size restrictions for trawl gear specified in § 648.80(a)(4)(i) when using a haddock separator trawl defined in § 648.85(a)(3)(iii) or the Ruhle trawl defined in § 648.85(b)(6)(iv)(j)(3) within the GB RMA, as defined in § 648.80(a)(2), provided sector vessels use a codend with 6-inch (15.2-cm) minimum mesh; and

(E) The minimum codend mesh size restrictions for trawl gear specified in § 648.80(a)(3)(i) or (a)(4)(i) when fishing in compliance with the provisions of the Redfish Exemption Program defined in § 648.85(e)(1).

* * * * *

[FR Doc. 2021-13410 Filed 6-23-21; 8:45 am]

BILLING CODE 3510-22-P

Notices

Federal Register

Vol. 86, No. 119

Thursday, June 24, 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.

AGENCY FOR INTERNATIONAL DEVELOPMENT

60-Day Notice of public information collections

AGENCY: U.S. Agency for International Development.

ACTION: Notice of public information collections.

SUMMARY: The U.S. Agency for International Development (USAID) seeks Office of Management and Budget (OMB) approval to continue the information collections described below. In accordance with the Paperwork Reduction Act for 1995, USAID requests public comment on these collections from all interested individuals and organizations. The purpose of this notice is to allow 60 days for public comment preceding submission of the collections to OMB. Comments are requested concerning: (a) Whether the collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the 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 through the use of automated collection techniques or other forms of information technology.

DATES: Submit comments on or before August 23, 2021.

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

1. *Web:* Through the Federal eRulemaking Portal at <http://www.regulations.gov> by following the instructions for submitting comments.

2. *Email:* policymailbox@usaid.gov.

FOR FURTHER INFORMATION CONTACT:

Jacqueline Taylor, at (202) 916-2628 or via email at policymailbox@usaid.gov.

SUPPLEMENTARY INFORMATION:

OMB No: 0412-0579.

Form No.: AID 309-2.

Title: Offeror Information for Personal Services Contracts With Individuals.

Type of Review: Renewal of a currently approved collection.

Purpose: United States Agency for International Development must collect information for reporting purposes to Congress and the Office of Acquisition and Assistance Contract Administration. This form will be used to collect information to determine the most qualified person for a position without gathering information that may lead to discrimination or bias towards or gathered from applicant.

Annual Reporting Burden:

U.S. Respondents: 12,600.

Total Annual U.S. Responses: 12,600.

Total Annual Hours Requested: 12,600 hours.

The burden estimate is based on the average number of PSC awards made over the past three years, which is 600. The average number of offerors received for each solicitation is 21. Therefore, the total number of offers received is $600 \times 21 = 12,600$. The amount of time estimated to complete the form is one hour.

The burden estimate is based on the average number of PSC awards made over the past three years, which is 600. The average number of offers received is 600. The average number of offers received for each solicitation is 21. Therefore, the total number of offers received is $600 \times 21 = 12,600$. The estimated time is based on the amount of time needed to read, provide employment information and experience needed to apply for a position. We estimate the annual cost to respondents to be about \$652,932. The respondents are mostly individuals of various sources submitting offers for a position that average the salary of a GS13 step 5 which averages \$51.82/hr.

Mark A. Walther,

Senior Procurement Executive.

[FR Doc. 2021-13271 Filed 6-23-21; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

June 21, 2021.

The Department of Agriculture has submitted the following information

collection requirement(s) to 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; 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 this information collection received by July 26, 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.

Animal & Plant Health Inspection Service

Title: Importation of Poultry Meat and Other Poultry Products from Sinaloa and Sonora, Mexico; Poultry and Pork Transiting the United States from Mexico.

OMB Control Number: 0579-0144.

Summary of Collection: The Animal Health Protection Act of 2002 (Title X, Subtitle E, Sec. 10401-18 of PL 107-171) is the primary Federal law governing the protection of animal health. Disease prevention is the most effective method for maintaining a healthy animal population and for

enhancing the U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS), Veterinary Services' ability to allow United States animal producers to compete in the world market of animal and animal product trade. APHIS currently has regulations in place that restrict the importation of poultry meat and other poultry products from Mexico due to the presence of Newcastle Disease (ND) in that country. However, APHIS allows the importation of poultry meat and poultry products from the Mexican States of Sinaloa and Sonora because APHIS has determined that poultry meat and products from these two Mexican States pose a negligible risk of introducing ND into the United States. To ensure that these items are safe for importation, APHIS requires that certain data appear on the foreign meat inspection certificate that accompanies the poultry meat and other poultry products from Sinaloa and Sonora to the United States. APHIS also requires that serial numbered seals be applied to containers carrying the poultry meat and other poultry products. In addition, there is an application and approval process required for the transit of pork and pork products and poultry carcasses, parts, or products (except eggs and egg products). APHIS also requires a pre-arrival notification to alert Customs & Border Protection Inspectors, along with an emergency action notice.

Need and Use of the Information: APHIS will collect information to certify that the poultry meat or other poultry products were (1) derived from poultry born and raised in commercial breeding establishments in Sinaloa and Sonora; (2) derived from poultry that were slaughtered in Sinaloa or Sonora in a Federally-inspected slaughter plant approved to export these commodities to the United States in accordance with Food Safety & Inspection regulations; (3) processed at a Federally inspected processing plant in Sinaloa or Sonora; and (4) kept out of contact with poultry from any other State within Mexico. APHIS will also collect information to ensure that the poultry meat or poultry products from Sinaloa and Sonora pose the most negligible risk possible for introducing ND into the United States. If the information was collected less frequently or not collected at all, it would significantly cripple APHIS' ability to ensure that various commodities from certain Mexican States pose a negligible risk of introducing CSF or ND into the United States. This lack of information would make a disease incursion event much

more likely and could seriously harm the U.S. pork and poultry industries.

Description of Respondents: Business or other for-profit; Federal Government.

Number of Respondents: 79.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 3,219.

Animal and Plant Health Inspection Service

Title: Approval of Laboratories for Conducting Aquatic Animal Tests for Export Health Certificates.

OMB Control Number: 0579-0429.

Summary of Collection: The Animal Health Protection Act (APHA) of 2002 is the primary Federal law governing the protection of animal health. The AHPA gives the Secretary of Agriculture broad authority to detect, control, or eradicate pests or diseases of livestock or poultry. The Secretary may also prohibit or restrict import or export of any animal or related material if necessary, to prevent the spread of any livestock or poultry pest or disease. Disease prevention is the most effective method for maintaining a healthy animal population and enhancing the ability of U.S. producers to compete in the global market of animal and animal product trade. Animal and Plant Health Inspection Service (APHIS) regulations do not require APHIS approval or certification for laboratories conducting disease tests for the export of aquaculture animals. However, as a condition of entry, some countries require testing results from a laboratory approved by the competent authority, in this case APHIS. State, university, and private laboratories can voluntarily seek approval to test for specific diseases. APHIS provides laboratory approval as a service to U.S. exporters who ship aquaculture animals to countries requiring this certification. The AHPA is contained in Title X, Subtitle E, Sections 10401-18 of Public Law 107-171, May 13, 2002, the Farm Security and Rural Investment Act of 2002.

Need and Use of the Information: The approval of laboratories to conduct tests for the export of aquaculture animals requires the use of certain information collection activities including notification of intent to request approval, application for APHIS approval, protocol statement, submission and recordkeeping of sample copies of diagnostic reports, quality assurance/control plans and their recordkeeping, notification of proposed changes to assay protocols, recordkeeping of supporting assay documentation, and request for removal of approved status. If APHIS did not collect this information, U.S. producers

would be prevented from exporting aquaculture animals and products to countries that specifically require APHIS approved laboratories to certify they have performed aquatic animal pathogen detection procedures.

Description of Respondents: Business or other for-profits; State, Local or Tribal Government.

Number of Respondents: 8.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 1,462.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2021-13259 Filed 6-23-21; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

June 21, 2021.

The Department of Agriculture has submitted the following information collection requirement(s) to 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; 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 this information collection received by July 26, 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.

Natural Resources Conservation Service

Title: Long Term Contracting.

OMB Control Number: 0578–0013.

Summary of Collection: The Long Term Contracting regulations at 7 CFR part 630, and the Conservation program regulations at 7 CFR 624, 625, 701 set forth the basic policies, program provisions, and eligibility requirements for owners and operators to enter into and carry out long-term conservation program contracts with technical assistance under the various program. These programs are administered by the Natural Resources Conservation Service (NRCS). These programs authorize federal technical and financial long-term cost sharing assistance for conservation treatment with eligible land users and entities. Under the terms of the agreement, the participant agrees to apply, or arrange to apply, the conservation treatment specified in the conservation plan. In return for this agreement, Federal financial assistance payments are made to the land user, or third party, upon successful application of the conservation treatment.

Need and Use of the Information: NRCS will collect information using several NRCS forms. The forms are needed to administer NRCS long-term contracting programs as authorized. NRCS uses the information to ensure the proper utilization of program funds.

Description of Respondents: Individuals or households; Farms; Not-for-profit institutions; State, Local or Tribal Government.

Number of Respondents: 5,560.

Frequency of Responses: Reporting; Annually, Other (As required).

Total Burden Hours: 3,085.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2021–13258 Filed 6–23–21; 8:45 am]

BILLING CODE 3410–16–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2019–0084]

Agrivida, Inc.; Availability of a Draft Plant Pest Risk Assessment, Draft Environmental Assessment, Preliminary Determination, and Preliminary Finding of No Significant Impact for Determination of Nonregulated Status of Maize Developed Using Genetic Engineering for the Production of Phytase Enzyme

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service has prepared a preliminary determination of status, draft plant pest risk assessment, draft environmental assessment, and preliminary finding of no significant impact regarding a request from Agrivida, Inc., seeking a determination of nonregulated status for PY203 maize that has been developed using genetic engineering for the production of phytase enzyme. We are making these documents available for public review and comment.

DATES: We will consider all comments that we receive on or before July 26, 2021.

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

- *Federal eRulemaking Portal:* Go to www.regulations.gov. Enter APHIS–2019–0084 in the Search field. Select the Documents tab, then select the Comment button in the list of documents.
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2019–0084, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

The preliminary determination of status, draft environmental assessment, draft plant pest risk assessment, preliminary determination, preliminary finding of no significant impact, and any comments we receive on this docket may be viewed at www.regulations.gov, or in our reading room, which is located in Room 1620 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

Supporting documents for this petition are also available on the APHIS website at <https://www.aphis.usda.gov/aphis/ourfocus/biotechnology/permits-notifications-petitions/petitions/petition-status>.

FOR FURTHER INFORMATION CONTACT: Ms. Cindy Eck, Biotechnology Regulatory Services, APHIS, 4700 River Road, Unit 147, Riverdale, MD 20737–1236; (301) 851–3892, email: cynthia.a.eck@usda.gov.

SUPPLEMENTARY INFORMATION: Under the authority of the plant pest provisions of the Plant Protection Act (7 U.S.C. 7701 *et seq.*), the regulations in 7 CFR part 340, “Movement of Organisms Modified or Produced Through Genetic Engineering,” regulate, among other things, the importation, interstate movement, or release into the environment of organisms modified or produced through genetic engineering that are plant pests or pose a plausible plant pest risk.

The petition for nonregulated status described in this notice is being evaluated under the version of the regulations effective at the time that it was received. The Animal and Plant Health Inspection Service (APHIS) issued a final rule, published in the **Federal Register** on May 18, 2020 (85 FR 29790–29838, Docket No. APHIS–2018–0034),¹ revising 7 CFR part 340; however, the final rule is being implemented in phases. The new Regulatory Status Review (RSR) process, which replaces the petition for determination of nonregulated status process, became effective on April 5, 2021 for corn, soybean, cotton, potato, tomato, and alfalfa. The RSR process is effective for all crops as of October 1, 2021. However, “[u]ntil RSR is available for a particular crop. . . APHIS will continue to receive petitions for determination of nonregulated status for the crop in accordance with the [legacy] regulations at 7 CFR 340.6.” (85 FR 29815). This petition for a determination of nonregulated status is being evaluated in accordance with the regulations at 7 CFR 340.6 (2020) as it was received by APHIS on June 25, 2019.

Agrivida, Inc. (Agrivida) has submitted a petition (APHIS Petition Number 19–176–01p) to APHIS seeking a determination of nonregulated status under 7 CFR part 340, for PY203 maize that has been developed using genetic engineering for the production of phytase enzyme. The petition states that such maize is unlikely to pose a plant

¹ To view the final rule, go to www.regulations.gov and enter APHIS–2018–0034 in the Search field.

pest risk and, therefore, should not be regulated under APHIS' regulations in 7 CFR part 340.

According to our process² for soliciting public comment when considering petitions for determination of nonregulated status of organisms developed using genetic engineering, APHIS accepts written comments regarding a petition once APHIS deems the petition complete. On April 16, 2020, APHIS announced in the **Federal Register**³ (85 FR 21170–21171, Docket No. APHIS–2019–0084) the availability of the Agrivida petition for public comment. APHIS solicited comments on the petition for 60 days ending June 15, 2020.

APHIS received 13 comments during the comment period. They were from the agricultural, academic, and private sectors. Eleven comments were in support of Agrivida's petition, while two expressed objections to crops developed or modified through genetic engineering in general.

After public comments are received on a completed petition, APHIS evaluates those comments and then provides a second opportunity for public involvement in our decision-making process. According to our public review process (see footnote 2), the second opportunity for public involvement follows one of two approaches, as described below.

If APHIS decides, based on its review of the petition and its evaluation and analysis of comments received during the 60-day public comment period on the petition, that the petition involves an organism that raises no substantive new issues, APHIS will follow Approach 1 for public involvement. Under Approach 1, APHIS prepares and announces in the **Federal Register** the availability of APHIS' preliminary regulatory determination along with its draft EA, preliminary finding of no significant impact (FONSI), and its draft plant pest risk assessment (PPRA) for a 30-day public review period. APHIS will evaluate any information received related to the petition and its supporting documents during the 30-day public review period. If APHIS determines that no substantive information has been

received that would warrant APHIS altering its preliminary regulatory determination or FONSI, or substantially change the analysis of impacts in the EA, our preliminary regulatory determination will become final and effective upon notification of the public through an announcement on our website. No further **Federal Register** notice will be published announcing the final regulatory determination.

Under Approach 2, if APHIS decides, based on its review of the petition and its evaluation and analysis of comments received during the 60-day public comment period on the petition, that the petition involves an organism that raises substantive new issues, APHIS first solicits written comments from the public on a draft EA and draft PPRA for a 30-day comment period through the publication of a **Federal Register** notice. Then, after reviewing and evaluating the comments on the draft EA and draft PPRA and other information, APHIS will revise the draft PPRA as necessary. It will then prepare a final EA, and based on the final EA, a National Environmental Policy Act (NEPA) decision document (either a FONSI or a notice of intent to prepare an environmental impact statement).

For this petition, we will be following Approach 1.

As part of our decision-making process regarding an organism's regulatory status, APHIS prepared a PPRA to assess the plant pest risk of the organism, and an EA to evaluate potential impacts on the human environment. This will provide the Agency and the public with a review and analysis of any potential environmental impacts that may result if the petition request is approved.

APHIS' draft PPRA compared the pest risk posed by the Maize Event PY203 with that of the unmodified variety from which it was derived. The draft PPRA concluded that PY203 maize is unlikely to pose an increased plant pest risk compared to the unmodified corn.⁴

The draft EA evaluated potential impacts that may result from the commercial production of PY203 maize, to include potential impacts on conventional and organic corn production; the acreage and area required for U.S. corn production; agronomic practices and inputs; the physical environment; biological resources; human health and worker safety; animal health and welfare; and socioeconomic impacts. No significant

impacts were identified with the production and marketing of PY203 maize.

The draft EA was prepared in accordance with (1) NEPA, as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

We are making available for a 30-day review period our preliminary determination, draft EA, preliminary FONSI, and draft PPRA. The preliminary determination, draft EA, preliminary FONSI, and draft PPRA are available as indicated under **ADDRESSES** and **FOR FURTHER INFORMATION CONTACT** above. Copies of these documents may also be obtained from the person listed under **FOR FURTHER INFORMATION CONTACT**.

After the 30-day review period closes, APHIS will review and evaluate any information received during the 30-day review period.

Authority: 7 U.S.C. 7701–7772 and 7781–7786; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 15th day of June 2021.

Michael Watson,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2021–13341 Filed 6–23–21; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

[Docket No. FCIC–21–0006]

Notice of Request for Renewal and Revision of the Currently Approved Information Collection

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Renewal and revision of the currently approved information collection.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Farm Service Agency (FSA) and Risk Management Agency (RMA) are requesting comments from all interested individuals and organizations on a revision of a currently approved paperwork package associated with the Acreage and Crop Reporting Streamlining Initiative (ACRSI).

DATES: Written comments on this notice will be accepted until close of business August 23, 2021.

²On March 6, 2012, APHIS published in the **Federal Register** (77 FR 13258–13260, Docket No. APHIS–2011–0129) a notice describing our public review process for soliciting public comments and information when considering petitions for determinations of nonregulated status for organisms developed using genetic engineering. To view the notice, go to www.regulations.gov and enter APHIS–2011–0129 in the Search field.

³To view the notice, its supporting documents, and the comments that we received, go to www.regulations.gov and enter APHIS–2019–0084 in the Search field.

⁴Maize is the botanical term used globally for the cereal plant *Zea mays*. In the United States maize is commonly referred to as corn. Both terms are used interchangeably in this document.

ADDRESSES: We invite you to submit comments on this information collection request. In your comments, include the date, volume, and page number of this issue of the **Federal Register**, and the title of rule. You may submit comments by any of the following methods, although FCIC prefers that you submit comments electronically through the Federal eRulemaking Portal:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and search for Docket ID FCIC–21–0006. Follow the online instructions for submitting comments.

- *Mail:* Todd Anderson, United States Department of Agriculture, FSA, DAFP, PDD, 1400 Independence Ave. SW, Mail Stop 0570, Washington, DC 20250–0570; or David Zaroni, RMA, United States Department of Agriculture, P.O. Box 419205, Kansas City, MO 64133–6205.

All comments received, including those received by mail, will be posted without change and publicly available on <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT:

Todd Anderson, United States Department of Agriculture, FSA, DAFP, PDD, Washington, DC 20250–0570, (202) 720–9106; or David Zaroni, RMA, United States Department of Agriculture, P.O. Box 419205, Kansas City, MO 64133–6205, (816) 926–6142.

SUPPLEMENTARY INFORMATION:

Title: Acreage/Crop Reporting Streamlining Initiative (ACRSI).

OMB Number: 0563–0084.

Expiration Date of Approval: October 31, 2021.

Type of Request: Extension of a currently approved information collection.

Abstract: The currently approved information collection of OMB Number 0563–0084 is up for renewal and we are requesting an extension for 3 years. FSA and RMA are requesting comments from all interested individuals and organizations on the information collection request associated with ACRSI. FSA and RMA have established the procedures, processes, and standards to simplify commodity and acreage reporting by producers, eliminate or minimize duplication of information collection by multiple agencies, and reduce the burden on producers, allowing producers to report this information through FSA county office service centers, insurance agents, or through precision ag technology capabilities. FSA and RMA implemented a streamlined reporting solution to establish a common data collection and reporting capability that supports USDA's programs.

RMA is continuing to improve the existing Office of Management and Budget (OMB) approved information collections for RMA, 0563–0053, Multiple Peril Crop Insurance, acreage information, generally collected from the respondent during a personal visit to the FSA Service Center and again from the respondent during a personal visit with the insurance agent.

The forms are still available to accommodate respondents with no internet access and those who wish to continue to personally visit the FSA Service Center and insurance agent to report this common information.

Information reported to the common data collection and reporting capability (otherwise known as the Clearinghouse) are shared by both FSA and RMA, as well as other USDA agencies, such as NRCS and NASS that have the authority and need for such information. With continued ACRSI process enhancements, some or all of the commodity and acreage information in the existing approved information collections are reported through this solution. Furthermore, the information collected are the same as the information currently approved. Additionally, the respondent will continue to report their common information one time through a single source thereby reducing the respondent's burden of reporting such common information and eliminating the duplicate reporting that may be currently required. The information collected will continue to be the same as the information currently approved and are used in the same manner it would be used if reported separately to each agency. The producers are continuing to use their precision-ag systems, farm management information systems, or download data files to directly report certain commodity and acreage information needed to participate in USDA programs.

The information being collected may consist of, but not be limited to: Producer name, customer/tax ID, state, county, commodity name, commodity type or variety, intended use, date planted, planted acreage, and land location (which may include legal description, FSA farm number, FSA tract number, FSA field number, geospatial as-planted field boundaries, Resource Land Unit, etc.).

FSA and RMA continues to enhance the ACRSI process. The effectiveness and lessons learned from each phase informed changes and expansions in subsequent phases. The first phase was initiated in the fall of 2011 in Dickenson, Marion, McPherson, and Saline Counties in Kansas, and only for

the collection of information from producers regarding winter wheat. The second phase was implemented in the spring of 2015 in 30 counties of Illinois and Iowa covering 9 crops. The third phase was implemented in the fall of 2015 in all counties of 15 states covering 9 crops. The fourth phase was implemented in the spring of 2016 in all counties nationwide covering 13 crops and about 90 percent of reported acreage. The fifth phase was implemented in the fall of 2016 expanding nationwide coverage to 16 crops and about 93 percent of reported acreage. The sixth phase was implemented in the fall of 2017 expanding nationwide coverage to 25 crops and about 94 percent of reported acreage. Since that time, ACRSI has continuously added more crops and types that now covers over 97 percent of insurable acreage. The program will continue to add crops and types over time to stay current; however, there are no crops left to cross walk that have major acreage impacts.

RMA and FSA additionally piloted a process to allow external providers to submit required data from precision agriculture or farm management information systems. This 2018 Pilot used planting data from Nebraska producers that was disseminated to the Agencies through the ACRSI Clearinghouse process. At that point for FSA, continued post processing of the data was manually labor intensive. Pilot findings identified the need for further software development by FSA to continue to automate the processing of geospatial land location data to further enhance the ACRSI process to ensure statutory criteria are met for Federal crop insurance, FSA, and Commodity Credit Corporation (CCC) programs, the collection of commodity and acreage information is necessary. This is not a request for a change, addition, or deletion to the currently approved information collections.

However, the existing approved information collection will be updated, modified or eliminated, as applicable, to reflect the reduction in burden on the respondents as the ACRSI process is enhanced.

Respondents: Producers.
Estimated Annual Number of Respondents Utilizing the Web-Based Single Source Reporting System and Benefiting From Sharing Information Between Agencies: 500,000.

Estimated Annual Number of Responses per Respondent: 1.5.

Estimated Total Annual Burden on Respondents Utilizing the Web-Based Single Source Reporting System and Benefiting From Having That

Information Shared Between Agencies: 187,500 hours.

We are requesting comments 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 the functions of the agencies, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency'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;

(4) Minimize the burden of the collection of information on those who are to respond through use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms to technology.

All comments 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 request for Office of Management and Budget (OMB) approval.

Richard Flournoy,

Acting Manager, Federal Crop Insurance Corporation.

[FR Doc. 2021-13328 Filed 6-23-21; 8:45 am]

BILLING CODE 3410-08-P

DEPARTMENT OF AGRICULTURE

Forest Service

Davy Crockett-Sam Houston Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Davy Crockett-Sam Houston Resource Advisory Committee (RAC) will conduct a virtual meeting by telephone conference. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with the Act. RAC information can be found at the following website: <https://www.fs.usda.gov/main/pts/specialprojects/racs>.

DATES: The meeting will be held on Thursday, July 8, 2021 from 3:00 p.m.–5:00 p.m., Central Daylight Time. All RAC meetings are subject to

cancellation. For status of the meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held by teleconference. Please use the following information to access the call; dial 1-888-844-9904 using access code 2213326#. If you need assistance, please contact Michelle Rowe at 936-222-2487 for instructions.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at Davy Crockett National Forest Ranger Station. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Michelle Rowe, RAC Coordinator, by phone at 936-553-3066 or via email at lisa.rowe@usda.gov.

Individuals who use telecommunication devices for the hearing-impaired (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8:00 a.m. and 8:00 p.m., Eastern Daylight Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Introduce the new Designated Federal Officer;
2. Discuss project priority list;
3. Discuss budget;
4. Vote on new project proposals; and
5. Discuss new RAC member solicitation.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by July 2, 2021 to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time to make oral comments must be sent to Jimmy Tyree, Designated Federal Officer, 18551 State Highway 7 East, Kennard, Texas 75847; by email to jimmy.tyree@usda.gov, or via facsimile to 936-655-2817.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the

section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case-by-case basis.

Dated: June 21, 2021.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2021-13538 Filed 6-22-21; 4:15 pm]

BILLING CODE 3411-15-P

DEPARTMENT OF AGRICULTURE

Forest Service

Alaska Region Supplement to Forest Service Manual 2720: Special Uses; Outfitting and Guiding Permit for Strictly Point-To-Point Commercial Transportation to, From, and Within the Mendenhall Glacier Visitor Center Subunit of the Mendenhall Glacier Recreation Area

AGENCY: Forest Service, USDA.

ACTION: Notice of availability for public comment.

SUMMARY: The United States Department of Agriculture (USDA), Forest Service, is seeking public comment on a proposed revision to a directive supplement that would require an outfitting and guiding permit for strictly point-to-point commercial transportation to, from, and within the Mendenhall Glacier Visitor Center subunit of the Mendenhall Glacier Recreation Area (Visitor Center subunit) in the Alaska Region of the Forest Service (Alaska Region). Comment is also requested on the revision to the Forest Service's approved information collection for outfitting and guiding permits.

DATE: Comments must be received in writing by August 23, 2021.

ADDRESSES: The proposed revision to the directive supplement is available at, and comments may be submitted electronically to, <https://cara.ecosystem-management.org/Public/CommentInput?project=ORMS-2314>. Written comments may be mailed to Jennifer Berger, Alaska Region Public Services Program Leader (RLM), P.O. Box 21628, Room 535b, Juneau, AK 99802-1628. All timely comments, including names and addresses, will be placed in the record and will be available for public inspection and copying. The public may inspect comments received at <https://cara.ecosystem-management.org/Public/ReadingRoom?project=ORMS-2314>.

FOR FURTHER INFORMATION CONTACT: Jennifer Berger, Alaska Region Public Services Program Leader, at 907-586-8843 or jennifer.berger@usda.gov.

Individuals using telecommunication devices for the hearing-impaired may call the Federal Information Relay Service at 800-877-8339 between 8 a.m. and 8 p.m. Eastern Daylight Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The Forest Service's special use regulations require a special use authorization for commercial activities like outfitting and guiding (36 CFR 251.50(a), 251.51) and define the term "guiding" to include transporting people on National Forest System (NFS) lands for remuneration or other gain (36 CFR 251.51). The principal purpose of outfitting and guiding is to provide or facilitate an outdoor recreational experience involving NFS lands, improvements, or resources. In contrast, the primary purpose of public transportation such as taxi and bus service is to provide point-to-point public transportation.

Because public transportation such as taxi, air taxi, and bus service in Alaska is often provided on NFS lands, the Alaska Region issued a supplement to Forest Service Manual (FSM) 2721.53 that exempts strictly point-to-point commercial transportation from the requirement to obtain an outfitting and guiding permit. The existing FSM supplement also provides that in areas where activities are causing conflicts with recreational users on NFS lands, operators must cooperate with the District Ranger to reduce the conflicts. Since 2007, the Alaska Region has used this authority in the existing FSM supplement to require existing outfitters and guides to obtain an outfitting and guiding permit for commercial point-to-point transportation to, from, and within the Visitor Center subunit during cruise ship season to manage traffic congestion prompted by growing cruise ship tourism.

Cruise ship visitation to the Visitor Center subunit has continued to grow, increasing by 20 percent between 2007 and 2017. While the COVID-19 pandemic has depressed visitation, the Forest Service expects it to return to pre-pandemic levels and continue to increase now that vaccines are more widely available. In 2015, the Alaska Region reassessed the commercial capacity of the Visitor Center subunit to address growing tourism demand and allocated all existing commercial capacity by means of a prospectus. Due to overwhelming demand, current permit holders could not be granted the level of use they had requested, and only five new operators could be issued a permit.

Commercial point-to-point transportation to, from, and within the

Visitor Center subunit increased substantially after 2017 when the State of Alaska allowed transportation network companies (TNCs) such as Uber and Lyft to begin operating in the State. There are 5 to 10 businesses that attempt to operate at the Visitor Center subunit without a permit each year. Some TNCs are known nationally (like Uber and Lyft), and some are local small businesses. Juneau is a landlocked city of 30,000 residents. The number of TNC drivers conducting business in the city fluctuates to accommodate residents in the non-cruise season (when there are fewer drivers) and to accommodate a surge of an additional 3,600 to 18,000 cruise passengers per day during cruise season (when there are more drivers). The highest number of TNC drivers the Forest Service has recorded operating at one time within the city of Juneau is 12 at the height of cruise season on a 5-ship-day, meaning 18,000 passengers disembarked. Although the 4 to 12 drivers do not operate simultaneously in the Visitor Center subunit, they operate there repeatedly throughout the day during the 6-month cruise season, contributing significantly to congestion. Based on the number of Uber and Lyft trips recorded by Forest Service personnel and reported by permit holders, approximately 1,440 to 4,320 trips occur during cruise season per (non-pandemic) year. This is a conservative estimate based on a 6-month cruise season and 4 to 12 Uber and Lyft drivers traveling to the Visitor Center subunit twice per day.

Under the existing FSM supplement, the Alaska Region cannot require an outfitting and guiding permit for TNCs and other new operators. Consequently, these new operators are unfairly competing with existing outfitters and guides. In addition, the unmanaged commercial use in the Visitor Center subunit is resulting in use conflicts, increased risks to black bears frequenting the area from wildlife/vehicle conflicts, greater congestion and public safety risks such as near-miss vehicle/pedestrian incidents, and a diminished recreational experience for visitors. Feedback from visitors, permit holders, and Forest Service personnel indicates that wildlife/vehicle conflicts average 10 to 14 per season and that vehicle/pedestrian near-misses average 5 to 7 per season in the Visitor Center subunit.

To address these concerns, the Alaska Region is proposing to revise its FSM supplement to require an outfitting and guiding permit for all strictly point-to-point commercial transportation (including services provided by TNCs) to, from, and within the Visitor Center

subunit. Consistent with the definition for guiding in the Forest Service's regulations, this activity involves transporting people and has as its principal purpose the facilitation of an outdoor recreational experience involving NFS lands, improvements, or resources. The permit requirement would apply only during the cruise season as reflected in the calendar published annually by Cruise Line Agencies of Alaska, approximately April 1 to October 31, and only to the Visitor Center subunit. All other strictly point-to-point commercial transportation in the Alaska Region would continue to be exempt from the permit requirement. The existing exemption from the permit requirement and the criteria for applying the permit requirement in the Alaska Region are also being published for public comment.

Environmental analysis for major road, trail, and other infrastructure upgrades is underway to accommodate additional outfitted and guided use in the Visitor Center subunit. The draft environmental impact statement (EIS) for the infrastructure improvements at the Visitor Center subunit is scheduled to be published in the summer of 2021. The final EIS is expected to be published and site design and contracting are expected to begin in fiscal year 2022. Construction is anticipated to begin in fiscal year 2023 with funding through the Great American Outdoors Act. Once the new infrastructure is in place, the Alaska Region will issue a new prospectus to allocate additional use for strictly point-to-point commercial transportation to, from, and within the Visitor Center subunit. Until then, and after allocation of additional use if they do not obtain a permit, the Alaska Region has identified a location on the border of the Visitor Center subunit where operators without a permit can pick up and drop off clients.

The Forest Service has determined that the proposed FSM supplement formulates a standard, criterion, or guideline applicable to a Forest Service program and is therefore publishing the proposed FSM supplement for public comment in accordance with 36 CFR part 216.

After the public comment period closes, the Alaska Region will consider timely and relevant comments in the development of the final FSM supplement. A notice of the final FSM supplement, including a response to timely and relevant comments, will be posted on the Forest Service's web page at <https://www.fs.fed.us/about-agency/regulations-policies>.

The Forest Service has conducted an economic analysis of the proposed directive pursuant to the Regulatory Flexibility Act, 5 U.S.C. 602 *et seq.*, and has determined that the proposed directive would not have a significant economic impact on a substantial number of small entities. The Forest Service invites public comment on the economic analysis. The Juneau Economic Development Council (JEDC) reported that in 2019 there were just over 1.7 million visitors to Juneau. The Visitor Center subunit attracted approximately 540,000 of these visitors during cruise season. This means that in 2019 about 1.16 million visitors engaged in tourism activities other than Visitor Center subunit visitation while in Juneau. Under the proposed directive, nonpermitted operators could still deliver clients to a location on the border of the Visitor Center subunit or provide service to the 1.16 million visitors engaged in Juneau tourism activities other than the Visitor Center subunit visitation. The JEDC reported \$103,225,389 in leisure, hospitality, and transportation industry earnings (*i.e.*, tourism revenue) for Juneau during 2019. Figures have not yet been published for 2020 calendar year. Thus, not doing business in the Visitor Center subunit does not equate to not doing business in Juneau, either for large or small entities. In 2015, all commercial capacity in the Visitor Center subunit was allocated by means of a prospectus, consistent with existing Forest Service regulations. Due to overwhelming demand, current permit holders could not be granted the level of use they had requested, and only five new operators could be issued a permit. The 2015 prospectus resulted in distribution of 157,179 Visitor Center subunit service days (1 service day = 1 client) to 15 permit holders, all of which were small businesses. Of these 15 small businesses, 10 were allocated new use that was added to existing permits, while 5 of the small businesses became first-time permit holders through this prospectus. There were 3 small businesses that applied but were not selected. There are currently 26 permits issued to tourism businesses operating in the Visitor Center subunit. One is a large business (affiliated with Princess-Holland-America Cruises); the other 25 are small businesses. Thus, most of the businesses currently operating in the Visitor Center subunit are small. There are 5 to 10 businesses that attempt to operate at the Visitor Center subunit without a permit each year. Some of these companies are known nationally

(like Uber and Lyft), and some are local small businesses.

The 25 small businesses would continue to operate in the Visitor Center subunit. Companies without a permit would be invited to submit an application in response to a prospectus once the infrastructure improvements have been completed and recreation capacity in the Visitor Center subunit has increased. Like the 2015 prospectus, this prospectus is expected to help existing permit holders expand their operations, if desired, and allow new operators to enter the market. Companies issued a permit would be authorized to provide transportation to, from, and within the Visitor Center subunit. Companies who apply for but do not obtain a permit could continue to drop off and pick up passengers at the border of the Visitor Center subunit and could still deliver clients to a location on the border of the Visitor Center subunit or provide service to the 1.16 million visitors engaged in Juneau tourism activities other than Visitor Center subunit visitation.

Paperwork Reduction Act Compliance

Title: Special Uses Administration.

OMB Number: 0596–0082.

Type of Request: Revision.

Abstract: The agency uses Form FS–2700–4i to issue outfitting and guiding permits, and the proposed directive, by requiring an outfitting and guiding permit for strictly point-to-point commercial transportation to, from, and within the Visitor Center subunit, would expand the use of this form and therefore increase the burden hours associated with the form.

Affected Public: Individuals or businesses providing strictly point-to-point commercial transportation to, from, and within the Visitor Center subunit would need to have an outfitting and guiding permit, Form FS–2700–4i.

Estimate of Burden per Response: 1 hour.

Estimated Annual Number of Respondents: 3–5.

Estimated Annual Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 3–5 hours.

Dated: June 17, 2021.

Tina Johna Terrell,

Associate Deputy Chief, National Forest System.

[FR Doc. 2021–13242 Filed 6–23–21; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Boundary Establishment for Snake River Headwaters National Wild and Scenic River, Bridger-Teton National Forest, Jackson County, Wyoming

AGENCY: Forest Service, USDA.

ACTION: Notice of availability.

SUMMARY: In accordance with Section 3(b) of the Wild and Scenic Rivers Act, the USDA, Forest Service, Washington Office, is transmitting the final boundary to Congress for the Snake River Headwaters National Wild and Scenic River segments administered by the Secretary of Agriculture (acting through the Chief of the Forest Service).

FOR FURTHER INFORMATION CONTACT:

Information may be obtained by contacting David Cernicek at David.cernicek@usda.gov or 307–413–2010, or the Bridger-Teton National Forest Supervisor's Office at (307) 739–5500, or <https://www.fs.usda.gov/contactus/btnf/about-forest/contactus>.

SUPPLEMENTARY INFORMATION: The Snake River Headwaters Wild and Scenic River boundary description and map are available for review at https://www.fs.usda.gov/detail/btnf/special_places/?cid=stelpdrb5281115.

Due to COVID–19 health and safety protocols to protect employees and visitors, many Forest Service offices are closed to the public. The Snake River Headwaters Wild and Scenic River boundary description and maps are available for review at the following offices, if arrangements are made in advance: USDA, Forest Service, Yates Building, 14th and Independence Avenue SW, Washington, DC 20024, phone (800) 832–1355; Intermountain Regional Office, Federal Building, 324 25th Street, Ogden, UT 84401, phone (801) 625–5605; and Bridger-Teton National Forest Supervisor's Office, 340 N. Cache Ave, Jackson, WY 83001, phone (307) 739–5500. Please contact the appropriate office prior to arrival.

The Craig Thomas Snake Headwaters Legacy Act of 2008, passed as part of Public Law 111–11 of March 30, 2009, designated Snake River Headwaters, Wyoming, as a National Wild and Scenic River with certain segments to be administered by the Secretary of Agriculture. As specified by law, the boundary will not be effective until ninety days after Congress receives the transmittal.

Dated: June 11, 2021.

Barnie Gyant,

Associate Deputy Chief, National Forest System.

[FR Doc. 2021-13427 Filed 6-23-21; 8:45 am]

BILLING CODE 3411-15-P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the New York Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the New York Advisory Committee (Committee) will hold a meeting via WebEx from 4:00–6:00 p.m. ET for the purpose of hearing testimony on potential racial discrimination in eviction policies and enforcement in New York, with a focus on Buffalo, Albany, and New York City. This briefing has been added due to the need to reschedule the Committee's June 18, 2021 briefing.

DATES: The meeting will be held on: June 23, 2021 from 4:00–6:00 p.m. ET
Web Access and English Call-In Information:

- *WebEx Link for Audio and Video:*
<https://civilrights.webex.com/civilrights/j.php?MTID=mc914c2c37d5ce369142245c92501d602>
- *Audio only:* 1-800-360-9505; Access Code: 199 488 5026

FOR FURTHER INFORMATION CONTACT:

Mallory Trachtenberg, DFO, at mtrachtenberg@usccr.gov or 202-809-9618.

SUPPLEMENTARY INFORMATION: Members of the public can listen to the discussion. This meeting is available to the public through the following toll-free call-in number: 1-800-360-9505; Access Code: 199 488 5026. 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 charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1-800-977-8339 and providing the Service with the

conference call number and conference ID number.

Members of the public are also entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be emailed to Mallory Trachtenberg at mtrachtenberg@usccr.gov in the Regional Programs Unit Office/Advisory Committee Management Unit. Persons who desire additional information may contact the Regional Programs Unit at 202-809-9618.

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 <https://www.faca.database.gov/FACA/apex/FACAPublicCommittee?id=a10t0000001gzmaAAQ> under the Commission on Civil Rights, New York Advisory Committee link. Persons interested in the work of this Committee are also directed to the Commission's website, <http://www.usccr.gov>, or may contact the Regional Programs Unit office at the above email or phone number.

Agenda

- I. Welcome
- II. Invited Panelist Remarks
- III. Public Comment
- IV. Adjournment

Exceptional Circumstance: Pursuant to 41 CFR 102-3.150, the notice for this meeting is given less than 15 calendar days prior to the meeting because of the exceptional circumstances of the immediacy of the subject matter.

Dated: June 21, 2021.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2021-13478 Filed 6-23-21; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Census Bureau

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Household Pulse Survey

On March 18, 2021, the Department of Commerce received clearance from the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act of 1995 to conduct Phase 3.1 of the Household Pulse Survey (OMB No. 0607-1013, Exp. 10/31/23). The Household Pulse Survey was designed to meet a need for

timely information associated with household experiences during the Covid-19 pandemic.

The Department is committed to ensuring that the data collected by the Household Pulse Survey continue to meet information needs as they may evolve over the course of the pandemic. This notice serves to inform of the Department's intent to submit an emergency clearance request to OMB to make some revisions to the Household Pulse Survey questionnaire. To ensure public burden is not increased, the revisions would reflect the removal of questions for which utility has declined over time, and the addition of topics based on public comment previously received and in consult with other Federal agencies. Removals include questions on Unemployment Insurance applications; Social Security Administration program receipt and application; Reasons for changed spending; Ride sharing/transit use; trips over 100 miles; Spending on groceries and prepared foods; Delayed and Forgone medical care; Child care; and K-12 computer use and internet access. Additionally, post-secondary education items will be held until closer to the fall terms. New questions focus on the Child Tax Credit; sexual orientation and gender identity (SOGI); rent/mortgage arrears; utility arrears and restrictions; summer catchup education activities for K-12; preventive health care for children; and application for Medicaid or exchange coverage. It is the Department's intention to commence data collection using the revised instrument on or about July 21, 2021. The Department invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously sought on the Household Pulse Survey via the **Federal Register** on May 19, 2020, June 3, 2020, February 1, 2021, and again on April 13, 2021. This notice allows for an additional 30 days for public comments on the proposed revisions.

Agency: U.S. Census Bureau, Commerce.

Title: Household Pulse Survey.
OMB Control Number: 0607-1013.
Form Number(s): None.
Type of Request: Emergency Clearance Request.

Number of Respondents: 3,150,000
Average Hours per Response: 20 minutes.

Burden Hours: 1,039,500.

Needs and Uses: Data produced by the Household Pulse Survey are

designed to inform on a range of topics related to households' experiences during the Covid-19 pandemic. Topics to date have included employment, facility to telework, travel patterns, income loss, spending patterns, food and housing security, access to benefits, mental health and access to care, intent to receive the COVID-19 vaccine, and educational disruption (K-12 and post-secondary). The requested revision, if approved by OMB, will remove selected items from the questions for which utility has declined and add questions based on information needs expressed via public comment and in consult with other Federal agencies. The overall burden to the public will remain unchanged.

The Household Pulse Survey was initially launched in April, 2020 as an experimental project (see <https://www.census.gov/data/experimental-data-products.html>) under emergency clearance from the Office of Management and Budget (OMB) initially granted April 19, 2020; regular clearance was subsequently sought and approved by OMB on October 30, 2020 (OMB No. 0607-1013; Exp. 10/30/2023).

Affected Public: Households.

Frequency: Households will be selected once to participate in a 20-minute survey.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13, United States Code, Sections 8(b), 182 and 196.

This information collection request may be viewed at www.reginfo.gov. Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function and entering either the title of the collection or the OMB Control Number 0607-1013.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2021-13454 Filed 6-23-21; 8:45 am]

BILLING CODE 3510-07-P

DEPARTMENT OF COMMERCE

Census Bureau

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; American Community Survey (ACS) Methods Panel Tests

The Department of Commerce will submit the following information

collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on February 9, 2021 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: U.S. Census Bureau, Commerce.

Title: American Community Survey Methods Panel Testing.

OMB Control Number: 0607-0936.

Form Number(s): ACS-1, ACS-1(GQ), ACS-1(PR)SP, ACS CAPI(HU), and ACS RI(HU).

Type of Request: Regular submission, Request for a Revision of a Currently Approved Collection.

Number of Respondents:

Test	Estimated number of respondents
Self-Response Mail Messaging and Contact Strategies Testing	Test A-60,000. Test B-60,000. Test C-60,000. Test D-60,000. Test E-60,000. Test F-60,000.
Respondent Feedback Pilot	100,000.
Use of Administrative Data Test	100,000.
Group Quarters Testing	2,000 administrators. 30,000 residents.
Content Testing	Test A-70,000. Test B-70,000.
Content Testing Followup Interview	Test A-40,000. Test B-40,000.
Internet Instrument Testing	Test A-60,000. Test B-60,000. Test C-60,000. Test D-60,000. Test E-60,000. Test F-60,000.
Respondent Help Testing	40,000.
Nonresponse Followup Data Collection Testing	100,000.

Average Hours per Response:

Test	Estimated time per response (in minutes)
Self-Response Mail Messaging and Contact Strategies Testing	40.
Respondent Feedback Pilot	42 (40 minutes for the production ACS interview and 2 minutes for the optional followup questions).
Use of Administrative Data Test	40.
Group Quarters Testing	15 for the administrator interview 25 for the resident interview.
Content Testing	40.
Content Testing Followup Interview	40.
Internet Instrument Testing	40.
Respondent Help Testing	10.
Nonresponse Followup Data Collection Testing	40.

Burden Hours:

Test	Estimated number of respondents	Estimated time per response (in minutes)	Total burden hours
Self-Response Mail Messaging and Contact Strategies Testing.	Test A-60,000	40	Test A-40,000.
	Test B-60,000		Test B-40,000.
	Test C-60,000		Test C-40,000.
	Test D-60,000		Test D-40,000.
	Test E-60,000		Test E-40,000.
	Test F-60,000		Test F-40,000.
Respondent Feedback Pilot	100,000	42	70,000.
Use of Administrative Data Test	100,000	40	66,667.
Group Quarters Testing	2,000 facility administrators ...	15	13,000.
	30,000 residents	25	
Content Testing	Test A-70,000	40	Test A-46,667.
	Test B-70,000		Test B-46,667.
Content Testing Followup Interview	Test A-40,000	40	Test A-26,667.
	Test B-40,000		Test B -26,667.
Internet Instrument Testing	Test A-60,000	40	Test A-40,000.
	Test B-60,000		Test B-40,000.
	Test C-60,000		Test C-40,000.
	Test D-60,000		Test D-40,000.
	Test E-60,000		Test E-40,000.
	Test F-60,000		Test F-40,000.
Respondent Help Testing	40,000	10	6,667.
Nonresponse Followup Data Collection Testing	100,000	40	66,667.
Total (over 3 years) *	1,312,000		849,667.
Average per year	437,333		283,222.

* **Note:** This is the maximum burden requested for these tests. Every effort is taken to use existing production sample for testing when the tests do not involve content changes.

Needs and Uses: The U.S. Census Bureau requests authorization from OMB for the American Community Survey (ACS) Methods Panel Tests.

The ACS is an ongoing monthly survey that collects detailed housing and socioeconomic data from about 3.5 million addresses in the United States and about 36,000 addresses in Puerto Rico each year. The ACS also collects detailed socioeconomic data from about 195,000 residents living in group quarters (GQ) facilities in the United States and Puerto Rico. Resulting tabulations from this data collection are provided on a yearly basis. The ACS allows the Census Bureau to provide timely and relevant housing and socioeconomic statistics, even for low levels of geography.

An ongoing data collection effort with an annual sample of this magnitude

requires that the ACS continue research, testing, and evaluations aimed at improving data quality, reducing data collection costs, and improving the ACS questionnaire content and related data collection materials. The ACS Methods Panel is a research program designed to address and respond to survey issues and needs. As part of the Decennial Census Program, the ACS also provides an opportunity to research and test elements of survey data collection that relate to the decennial census. As such, the ACS Methods Panel can serve as a testbed for the decennial census. From 2021 to 2024, the ACS Methods Panel may test ACS and decennial census methods for reducing survey cost, addressing respondent burden, and improving survey response, data quality, and survey efficiencies. Testing may also include revising content or

testing new questions. The ACS Methods Panel may also address other emerging needs of the programs. Currently, plans are in place to propose several tests:

Self-Response Mail Messaging and Contact Strategies Testing are focused on studying methods to increase self-response. The proposed tests would evaluate changes to the mailings, such as using plain language to improve communication, changing the look and feel of the materials, updating messages to motivate response, and adding or removing materials included in the mailings. Changes to the contact method, the number of contacts, and the timing of the contacts may also be tested. The Strategic Framework Field Test will be conducted in the fall of 2021 to test new mail materials that were developed building on research

into best practices in messages. The test will identify which set of new mail materials is most successful at increasing self-response.

The Respondent Feedback Pilot is designed to collect respondent feedback at the time of the interview, with the pilot focusing on internet respondents. Respondents will not be required to answer the feedback question.

The Use of Administrative Data to reduce burden of existing questions by allowing for modification of the questions will be tested. A field test is proposed for questions that may need to remain on the questionnaire but be modified in conjunction with the use of administrative records.

Group Quarters Testing will focus on evaluating an internet version of the ACS available to non-institutional group quarters residents, especially in college dorms, military barracks, and group homes.

Content Testing is conducted by the Census Bureau periodically to improve data quality. The current proposal includes changes to the following questions: Household roster, educational attainment, health insurance, disability, means of transportation to work, income, weeks worked, Supplemental Nutrition Assistance Program (SNAP), condominium fees, and home heating fuel. Additionally, three new questions on solar panels, electric vehicles, and sewage disposal were proposed. The objective of content testing is to determine the impact of changing question wording and response categories, as well as redefining underlying constructs, on the quality of the data collected.

Internet Instrument Testing is proposed to test and evaluate revised features of the internet instrument.

Respondent Help Testing will focus on methods to answer respondent questions about the survey and improve operational efficiency, specifically testing updates to the Interactive Voice Recognition (IVR) system as well as exploring the use of other methods such as online chat.

Nonresponse Followup Data Collection Testing is proposed to evaluate the use of adaptive survey design techniques for the ACS Computer-Assisted Personal Interviewing (CAPI) Nonresponse Followup operation.

Affected Public: Individuals or households.

Frequency: Multiple one-time tests over a 3-year period.

Respondent's Obligation: Mandatory.

Legal Authority: Title 13 U.S.C. Sections 141, 193, and 221.

This information collection request may be viewed at www.reginfo.gov. Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function and entering either the title of the collection or the OMB Control Number 0607–0936.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2021–13429 Filed 6–23–21; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Census Bureau

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Quarterly Survey of Public Pensions

AGENCY: Census Bureau, Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act (PRA) of 1995, invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment on the proposed extension of the Quarterly Survey of Public Pensions prior to the submission of the information collection request (ICR) to OMB for approval.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before August 23, 2021.

ADDRESSES: Interested persons are invited to submit written comments by email to Thomas.J.Smith@census.gov. Please reference Quarterly Survey of Public Pensions in the subject line of your comments. You may also submit comments, identified by Docket Number USBC–2021–0014, to the Federal e-

Rulemaking Portal: <http://www.regulations.gov>. All comments received are part of the public record. No comments will be posted to <http://www.regulations.gov> for public viewing until after the comment period has closed. Comments will generally be posted without change. All Personally Identifiable Information (for example, name and address) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. You may submit attachments to electronic comments in Microsoft Word, Excel, or Adobe PDF file formats.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or specific questions related to collection activities should be directed to Phillip Vidal, Chief, Pensions Statistics Branch, Economy-Wide Statistics Division, U.S. Census Bureau, Headquarters, Washington, DC 20233; email: phillip.m.vidal@census.gov; 301.763.1749.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Census Bureau plans to request clearance for the form necessary to conduct the Quarterly Survey of Public Pensions. The quarterly survey was initiated by the Census Bureau in 1968 at the request of both the Council of Economic Advisers and the Federal Reserve Board.

The Quarterly Survey of Public Pensions currently provides national summary data on the asset holdings of the largest pension systems of state and local governments.

These data are used by the Federal Reserve Board to track the public sector portion of the Flow of Funds Accounts. Economists and public policy analysts use these data to assess general economic conditions and state and local government financial activities.

Data are collected from a panel of defined benefit plans of the 100 largest state and local government pension systems as determined by their total cash and security holdings reported in the 2012 Census of Governments. The defined benefit plans of these 100 largest pension systems comprise 87.2 percent of financial activity among such entities, based on the 2012 Census of Governments.

II. Method of Collection

Survey data are collected through the Census Bureau's web collection system that enables public entities to respond to the questionnaire via the internet.

The questionnaire is available online for respondents to print when they choose to mail or fax. Most respondents choose to report their data online. In addition to reporting current quarter data, respondents may provide initial data for the previous seven quarters or submit revisions to their data submitted in the previous seven quarters.

Data are received each quarter from 70 to 80 percent of the systems canvassed. In those instances when we are not able to obtain a response, we conduct follow-up operations using email and phone calls. Imputations are developed for each of the remaining nonresponse systems in the panel from the latest available data.

III. Data

OMB Control Number: 0607–0143.

Form Number(s): F–10.

Type of Review: Regular submission, Request for an Extension, without Change, of a Currently Approved Collection.

Affected Public: State and locally-administered public pension plans.

Estimated Number of Respondents: 100.

Estimated Time per Response: 45 minutes.

Estimated Total Annual Burden Hours: 300.

Estimated Total Annual Cost to Public: \$0. (This is not the cost of respondents' time, but the indirect costs respondents may incur for such things as purchases of specialized software or hardware needed to report, or expenditures for accounting or records maintenance services required specifically by the collection.)

Respondent's Obligation: Voluntary.

Legal Authority: Title 13 U.S.C. Section 161 and 182.

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include, or

summarize, each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may 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.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2021–13428 Filed 6–23–21; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–52–2020]

Foreign-Trade Zone 38—Spartanburg County, South Carolina; Application for Production Authority; Teijin Carbon Fibers, Inc.; Extension of Rebuttal Comment Period

The rebuttal period for the amended application for production authority within FTZ 38 on behalf of Teijin Carbon Fibers, Inc., in Greenwood, South Carolina, submitted by the South Carolina State Ports Authority (85 FR 49359, August 13, 2020), is being extended to July 2, 2021, based on a request from the applicant, to allow additional time for the submission of rebuttal comments. Submissions shall be addressed to the Board's Executive Secretary and sent to: ftz@trade.gov.

For further information, contact Diane Finver at Diane.Finver@trade.gov or (202) 482–1367.

Dated: June 21, 2021.

Andrew McGilvray,
Executive Secretary.

[FR Doc. 2021–13376 Filed 6–23–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Miscellaneous Short Supply Activities

The Department of Commerce will submit the following information

collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on January 15, 2021, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: Bureau of Industry and Security.

Title: Miscellaneous Short Supply Activities.

OMB Control Number: 0694–0102.

Form Number(s): None.

Type of Request: Regular submission. Extension of a current information collection.

Number of Respondents: 2.

Average Hours per Response: 100.5 hours.

Burden Hours: 201.

Needs and Uses: This information collection comprises two rarely used short supply activities: “Registration of U.S. Agricultural Commodities for Exemption from Short Supply Limitations on Export (USAG)”, and “Petitions for the Imposition of Monitoring or Controls on Recyclable Metallic Materials; Public Hearings (Petitions).” Under provisions of sections 754.6 and 754.7 of the Export Administration Regulations (EAR), agricultural commodities of U.S. origin purchased by or for use in a foreign country and stored in the United States for export at a later date may voluntarily be registered with the Bureau of Industry and Security for exemption from any quantitative limitations on export that may subsequently be imposed under the EAR for reasons of short supply.

Affected Public: Business or other for-profit organizations.

Frequency: On Occasion.

Respondent's Obligation: Voluntary.

Legal Authority: 754.6 and 754.7 of the Export Administration Regulations (EAR). This information collection request may be viewed at www.reginfo.gov. Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the

following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function and entering either the title of the collection or the OMB Control Number 0694–0102.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2021–13430 Filed 6–23–21; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–909]

Certain Steel Nails From the People’s Republic of China: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2018–2019

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) determines that certain steel nails (nails) from the People’s Republic of China (China) were sold in the United States at less than normal value (NV) during the period of review (POR) August 1, 2018, through July 31, 2019.

DATES: Applicable June 24, 2021.

FOR FURTHER INFORMATION CONTACT: Benito Ballesteros, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–7425.

SUPPLEMENTARY INFORMATION:

Background

On December 21, 2020, Commerce published the *Preliminary Results*.¹

In December 2020 and January 2021, Commerce received comments on the *Preliminary Results* from Paslode Fasteners (Shanghai) Co., Ltd. (Paslode), a subsidiary of US producer Illinois Tool Works, Inc. (ITW)² and various separate rate companies and companies

¹ See *Certain Steel Nails from the People’s Republic of China: Preliminary Results of Antidumping Duty Administrative Review, Preliminary Determination of No Shipments, and Partial Rescission; 2018–2019*, 85 FR 83054 (December 21, 2020) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

² See Paslode’s Letter, “Certain Steel Nails from China; 11th Administrative Review; Letter Regarding Improper Inclusion of Paslode in Review,” dated December 24, 2020.

that claimed that they had no shipments of subject merchandise during the POR.³ On January 21, 2021, Mid Continent Steel & Wire, Inc. (the petitioner)⁴ and Tianjin Zhonglian Metals Ware Co., Ltd. (Zhonglian)⁵ timely filed case briefs. On January 28, 2021, the petitioner,⁶ Paslode,⁷ and Zhonglian⁸ timely filed rebuttal briefs, and Pioneer *et al.*, submitted comments.⁹ On April 8, 2021, Commerce extended the deadline for the final results by 179 days after the date of publication of the preliminary results, until June 18, 2021.

Scope of the Order

The products covered by the order are nails from China. For a complete description of the scope of this order, see the Issues and Decision Memorandum.¹⁰

Analysis of Comments Received

We addressed all issues raised in the case and rebuttal briefs filed by interested parties in the Issues and Decision Memorandum. Attached to this notice, in Appendix I, is a list of the issues which parties raised. The Issues

³ See Jinghai *et al.*’s Letter, “Case Brief of Certain Chinese Respondents: Administrative Review of the Antidumping Order on Certain Steel Nails from the People’s Republic of China,” dated January 20, 2021 (providing comments on behalf of various separate rate and no shipment companies: Tianjin Jinghai County Hongli Industry & Business Co., Ltd. (a.k.a. Tianjin Jinghai County Hongli Industry and Business Co., Ltd.); Tianjin Jinchu Metal Products Co., Ltd.; Shanghai Yueda Nails Industry Co., Ltd. a.k.a. Shanghai Yueda Nails Co., Ltd.; and Shanxi Tianli Industries Co., Ltd. (collectively, Jinghai *et al.*)); see also Pioneer *et al.*’s Letter, “Steel Nails from the People’s Republic of China: Letter in Lieu of Case Brief,” dated January 21, 2021 (providing comments on behalf of various separate rate and no shipment companies: Shanxi Pioneer Hardware Industrial Co., Ltd.; SDC International Australia Pty. Ltd.; S-Mart (Tianjin) Technology Development Co., Ltd.; and Shanxi Hairui Trade Co., Ltd. (collectively, Pioneer *et al.*)).

⁴ See Petitioner’s Letter, “Certain Steel Nails from the People’s Republic of China: Case Brief,” dated January 21, 2021.

⁵ See Zhonglian’s Letter, “Certain Steel Nails from the People’s Republic of China: Submission of Tianjin Zhonglian Metals Ware Co., Ltd.’s Administrative Case Brief,” dated January 21, 2021.

⁶ See Petitioner’s Letter, “Certain Steel Nails from the People’s Republic of China: Rebuttal Brief,” dated January 28, 2021.

⁷ See Paslode’s Letter, “Certain Steel Nails from China; 11th Administrative Review; Paslode Rebuttal Brief,” dated January 28, 2021.

⁸ See Zhonglian’s Letter, “Certain Steel Nails from the People’s Republic of China: Submission of Tianjin Zhonglian’s Rebuttal Case Brief,” dated January 28, 2021.

⁹ See Pioneer *et al.*’s Letter, “Steel Nails from the People’s Republic of China: Letter in Lieu of Rebuttal Brief,” dated January 28, 2021.

¹⁰ See Memorandum, “Certain Steel Nails from the People’s Republic of China: Issues and Decision Memorandum for the Final Results of the 2018–2019 Antidumping Duty Administrative Review,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance’s Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <http://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <http://enforcement.trade.gov/frn/index.html>.

Changes Since the Preliminary Results

Based on a review of the record and comments received from interested parties, and for the reasons explained in the Issues and Decision Memorandum, we are revising the margin calculation for Zhonglian. Accordingly, for these final results, Commerce updated the rate assigned to the non-selected companies, which is based on the rate for Zhonglian. For a discussion of these changes, see the “Changes Since the Preliminary Results” section of the Issues and Decision Memorandum.

Final Determination of No Shipments

In the *Preliminary Results*, Commerce preliminarily found that ten companies had no shipments of subject merchandise during the POR: Dezhou Hualude Hardware Products Co., Ltd.; Hebei Minmetals Co., Ltd.; Nanjing Caiqing Hardware Co., Ltd.; Nanjing Yuechang Hardware Co., Ltd.; Shandong Qingyun Hongyi Hardware Products Co., Ltd.; Shanxi Hairu Trade Co., Ltd.; Shanxi Pioneer Hardware Industrial Co., Ltd.; Tag Fasteners Sdn. Bhd.; Tianjin Jinghai County Hongli Industry & Business Co., Ltd.; and Xi’an Metals & Minerals Import & Export Co., Ltd. Following the publication of the *Preliminary Results*, we received no comments from interested parties regarding these companies, and no party has submitted record evidence which would call our preliminary no-shipment finding into question. Therefore, for these final results, we continue to find that these ten companies had no shipments of subject merchandise during the POR. Consistent with our practice, we will issue appropriate instructions to U.S. Customs and Border Protection (CBP).

Separate Rates

In the *Preliminary Results*, we determined that nine companies, including the mandatory respondent, met the criteria for separate rate status. We have not received any information since the issuance of the *Preliminary Results* that provides a basis for reconsidering this preliminary determination. Therefore, Commerce

continues to find that these companies are eligible for separate rates for the final results.

Rate for Non-Selected Companies

As noted above, for these final results, the dumping margin for Zhonglian, the sole mandatory respondent, has changed from the *Preliminary Results*. Accordingly, for the final results, we have assigned Zhonglian’s revised margin to the non-selected companies, in accordance with section 735(c)(5)(A)

of the Tariff Act of 1930, as amended (the Act).

China-Wide Entity

In the *Preliminary Results*, we found that 288 companies for which a review was requested had not established eligibility for a separate rate and, thus, we considered them to be part of the China-wide entity.¹¹ With the exception discussed in the Issues and Decision Memorandum (related to Paslode Co., Ltd. and Paslode Fasteners Co., Ltd.),¹²

we have not received any information since the issuance of the *Preliminary Results* that provides a basis for reconsidering this preliminary determination. Therefore, Commerce continues to find that these companies are part of the China-wide entity.¹³

Final Results of Administrative Review

The weighted-average dumping margins for the administrative review are as follows:

Exporter/producer	Weighted-average dumping margin
Tianjin Zhonglian Metals Ware Co., Ltd	22.91
Review-Specific Average Rate Applicable to the Following Companies: ¹⁴	
Qingdao D&L Group Ltd	22.91
SDC International Australia Pty. Ltd	22.91
Shanghai Curvet Hardware Products Co., Ltd	22.91
Shanghai Yueda Nails Industry Co., Ltd., a.k.a. Shanghai Yueda Nails Co., Ltd	22.91
Shanxi Tianli Industries Co., Ltd	22.91
S-Mart (Tianjin) Technology Development Co., Ltd	22.91
Suntec Industries Co., Ltd	22.91
Tianjin Jinchi Metal Products Co., Ltd	22.91

Disclosure

We intend to disclose the calculations performed regarding these final results within five days of the date of publication of this notice to parties in this proceeding in accordance with 19 CFR 351.224(b).

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act, and 19 CFR 351.212(b), Commerce has determined, and CBP shall assess, antidumping duties on all appropriate entries covered by this review. Consistent with its recent notice,¹⁵ Commerce intends to issue appropriate assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

For Zhonglian, which has a final weighted-average dumping margin that is not zero or *de minimis* (*i.e.*, less than 0.5 percent), we will calculate customer-specific per-unit duty assessment rates based on the ratio of the total amount of

dumping calculated for the examined sales to that customer to the total quantity associated with those sales, in accordance with 19 CFR 351.212(b)(1). We will also calculate *ad valorem* customer-specific assessment rates with which to determine whether the per-unit assessment rates are *de minimis*. Where a customer-specific assessment rate is zero or *de minimis*, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.¹⁶

For the non-examined companies granted separate rates, the *ad valorem* assessment rate will be equal to the rate assigned above in the final results of administrative review. We will instruct CBP to liquidate entries of subject merchandise exported by companies identified as part of the China-wide entity at the China-wide rate.

Pursuant to Commerce’s assessment practice, for entries that were not reported in the U.S. sales database submitted by Zhonglian during this review, we will instruct CBP to liquidate such entries at the China-wide entity rate. Furthermore, where we found that an exporter had no shipments of subject merchandise, any suspended entries that entered under that exporter’s case number (*i.e.*, at that exporter’s cash deposit rate) will be

liquidated at the China-wide entity rate.¹⁷

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Act: (1) For the exporters listed above, the cash deposit rate will be the rate established in the final results of review; (2) for previously investigated or reviewed China and non-China exporters not listed above that have separate rates, the cash deposit rate will continue to be the exporter-specific rate published for the most recently completed segment of this proceeding in which they were reviewed; (3) for all China exporters of subject merchandise which have not been found to be entitled to a separate rate, the cash deposit rate will be the China-wide rate of 118.04 percent; and (4) for all non-China exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the China exporters that supplied that non-China exporter. We also note that entries produced and

¹¹ See *Preliminary Results* at Appendix II.

¹² See Issues and Decision Memorandum at Comment 3.

¹³ See Appendix II.

¹⁴ This rate is the rate calculated for Zhonglian.

¹⁵ See *Notice of Discontinuation of Policy to Issue Liquidation Instructions After 15 Days in Applicable Antidumping and Countervailing Duty Administrative Proceedings*, 86 FR 3995 (January 15, 2021).

¹⁶ See 19 CFR 351.106(c)(2).

¹⁷ See *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694 (October 24, 2011).

exported by Paslode Fasteners (Shanghai) Co., Ltd. are excluded from this order, and are not subject to a cash deposit.¹⁸ These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation subject to sanction.

Notification to Interested Parties

We are issuing and publishing these final results of administrative review in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: June 17, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I—List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Changes Since the Preliminary Results
- V. Discussion of the Issues
 - Comment 1: Selection of the Primary Surrogate Country
 - Comment 2: Whether to Add Brokerage and Handling (B&H) Expenses to the Mexico Import Values
 - Comment 3: Whether to Treat Paslode Co., Ltd. and Paslode Fasteners Co., Ltd. as Part of the China-Wide Entity
- VI. Recommendation

¹⁸ See *Notice of Antidumping Duty Order: Certain Steel Nails from the People's Republic of China*, 73 FR 44961 (August 1, 2008); see also Appendix II.

Appendix II—China-Wide Entity¹⁹

Accurate Metal Machining Co., Ltd.
 Air It On Inc.
 Alsons Manufacturing India Llp
 Anhui Amigo Imp. & Exp. Co. Ltd.
 Anhui Tea Imp. & Exp. Co. Ltd.
 Artree (Xiamen) Group Ltd
 Asiahang Industrial Trading Ltd.
 Astrotech Steels Pvt. Ltd.
 Baoding Jiebooshun Trading Co., Ltd.
 Beijing Camzone Industrial & Trading Co., Ltd.
 Beijing Catic Industry Ltd.
 Beijing Jinheung Co., Ltd.
 Beijing Qin-Li Jeff Trading Co., Ltd.
 Beijing Qin-Li Metal Industries Co., Ltd
 Bodi Corporation
 Bonuts Hardware Logistics
 Cana (Rizhao) Hardware Co., Ltd.
 Cangzhou Nandagang Guotai Hardware Products Co., Ltd.
 Cangzhou Xinqiao International Trade Co., Ltd
 Certified Products Taiwan Inc.
 Changzhou Kya Trading Co., Ltd.
 Chanse Mechatronics Scientech Development (Jiangsu) Inc.
 Cheng Ch International Co., Ltd.
 Chia Pao Metal Co., Ltd.
 China Dinghao Co., Ltd.
 China Linyi Global Trade Center Co., Ltd.
 China Staple Enterprise (Tianjin) Co., Ltd.
 Chinapack Ningbo Imp. & Exp. Co., Ltd.
 Chite Enterprises Co., Ltd.
 Chonyi International Co., Ltd.
 Come Best (Thailand) Co., Ltd.
 Continent Link Int'l Limited
 Crelux International Co., Ltd.
 Daejin Steel Co., Ltd.
 De Fasteners Inc.
 De Hui Screw Industry Co., Ltd.
 Dezhou Xinjiayuan Hardware Products Co., Ltd.
 Dingzhou Baota Metal Products Co., Ltd.
 Dong E Fuqiang Metal Products Co., Ltd.
 Dongguan Dongri Electrical Electric Equipment Co., Ltd.
 Dongguan Further Wood Products Co., Ltd.
 Eco-Friendly Floor Ltd.
 Ejen Brothers Limited
 Empac International Ltd.
 Everglow Inc.
 Faithful Engineering Products Co., Ltd.
 Fastenal Asia Pacific Limited
 Fastening Care
 Fastgrow International Co., Inc.
 Finepack Industrial Limited
 Foshan Hosontool Development Hardware Co., Ltd.
 Foxsemicon Integrated Technology
 Fujian Win Win Import and Export Trading Co., Ltd.
 GD.CP International Co., Ltd.
 Gdcp Richmax International Ltd.

¹⁹ We removed Paslode Fasteners (Shanghai) Co., Ltd. from this list because entries produced and exported by this company are excluded. However, in our instructions to CBP, we will direct that merchandise produced by another entity and exported by Paslode Fasteners (Shanghai) Co., Ltd. is subject to the China-wide entity rate. See Comment 3 of the Issues and Decision Memorandum for further discussion. Additionally, we note that "Paslode Fasteners (Shanghai) Co., Ltd." was referenced as "Paslode Co., Ltd." and "Paslode Fasteners Co., Ltd." in this proceeding.

Geekay Wires Limited
 Glori-Industry Hong Kong Inc.
 Grace China International Co., Ltd.
 Guangdong Meite Mechanical Co. Ltd.
 Guangdong TC Meite Intelligent Tools Co., Ltd.
 Guangzhou Aivy Nails Technology Co.
 Guangzhou Noval Medical Co., Ltd.
 Guangzhou Xinfeng International Freight Co., Ltd.
 Hai Sheng Xin Group Co., Ltd.
 Hangzhou G-wire Technology Co., Ltd.
 Hangzhou Orient Industry Co., Ltd.
 Happy Worth Limited
 Hebei Cangzhou New Century Foreign Trade Co., Ltd.
 Hebei Jinsidun Trade Co., Ltd.
 Hebei Minghao Imp. & Exp. Co., Ltd.
 Hengtuo Metal Products Co., Ltd.
 Home Value Co., Ltd.
 Hong Kong Mu Hong Electronic Business Limited
 Hongkong Milley Limited
 Hongkong Shengshi Metal Products Co., Ltd.
 Hongyi (HK) Hardware Products Co., Ltd.
 Huaiyang County Yinfeng Plastic Factory
 Huanghua Haixin Hardware Products Co., Ltd.
 Huanghua Yingjin Hardware Products
 Inmax Industries Sdn. Bhd.
 Inmax Sdn. Bhd.
 Inno International
 J&b Trading Company
 Jade Shuttle Enterprise Co., Ltd.
 Jau Yeou Industry Co., Ltd.
 Jiang Men City Yu Xing Furniture Limited Company
 Jiangmen Jianghai District Hengke Plastic Film Packing Factory
 Jiangsu General Science Technology Co., Ltd.
 Jiangsu Hexon Imp & Exp Co., Ltd.
 Jiangsu Holly Corporation
 Jiangsu Huaiyin Guex Tools
 Jiangsu Inter-China Group Corp.
 Jiangsu Soho Honry Imp. and Exp. Co., Ltd.
 Jiangsu Vivaturf Co., Limited
 Jiashan Lianchuang Plastic & Hardware
 Jiaying TSR Hardware Inc.
 Jinhai Hardware Co., Ltd.
 Jinheung Steel Corporation
 Jinhua Ausen Crafts Co., Ltd
 Jinsco International Corp.
 Kaiierda Display Furniture Limited
 Ko's Nail Incorporation
 Koram Inc.
 Koram Steel Co., Ltd.
 Korea Wire Co., Ltd.
 Liang Chyuan Ind. Co., Lmt.
 Liang Chyuan Industrial Co., Limited.
 Liang's Industrial Corp.
 Liaocheng Minghui Hardware Products
 Linyi FlyingArrow Imp. & Exp. Co. Ltd.
 Linyi Royal Trading Co., Ltd
 M&M Industries Co., Ltd.
 Maanshan Lilai International Trade Co., Ltd.
 Max Co., Ltd.
 Maxwealth Development Intl Ltd.
 Mayer(Hk)limited
 Milkyway Chemical Supply Chain Service Co., Ltd.
 Ming Cheng Hardware Company Limited
 Mingguang Abundant Hardware Products Co., Ltd.
 Mingguang Ruifeng Hardware Products Co., Ltd.
 Modern Factory For Metal Products

MPROVE Co., Limited
 Nailtech Co., Ltd.
 Nanjing Duraturf Co., Ltd.
 Nanjing Nuochun Hardware Co., Ltd.
 Nanjing Tianxingtong Electronic Technology Co., Ltd.
 Nanjing Tianyu International Co., Ltd.
 Nanjing Toua Hardware & Tools Co., Ltd.
 Nanjing Zeejoe International Trade
 Nantong Intlevel Trade Co., Ltd.
 Natuzzi China Limited
 Nielsen Bainbridge LLC
 Ningbo Adv. Tools Co., Ltd.
 Ningbo Angelstar Trading Co., Ltd.
 Ningbo Bright Max Co., Ltd.
 Ningbo Fine Hardware Production Co., Ltd.
 Ningbo Freewill Imp. & Exp. Co., Ltd.
 Ningbo Home-dollar Imp. & Exp. Corp.
 Ningbo Langyi Metal Products Co., Ltd.
 Ningbo Nd Import & Export Co., Ltd.
 Ningbo Otic Import and Export Co.
 Ningbo Weifeng Fastener Co., Ltd.
 Ningbo Wellpack Packaging Co., Ltd.
 Ningbo WePartner Imp. & Exp. Co., Ltd.
 Ningbo Yinzhou Angelstar International Trading
 Ningbo Zenith Passion Imp. & Exp. Co. Ltd.
 Ninghai Rayguang Horsemanship Products Co., Ltd.
 Niran Vietnam Company Limited
 Overseas Distribution Services Inc.
 Overseas International Steel Industry
 Patek Tool Co., Ltd.
 Perfect Seller Co., Ltd.
 Potentech (Guangdong) Limited
 President Industrial Inc.
 Primesource Building Products
 Promising Way (Hong Kong) Ltd.
 Pro-Team Coil Nail Enterprise Inc.
 Qingdao Ant Hardware Manufacturing Co., Ltd.
 Qingdao Concord Trading Co., Ltd.
 Qingdao D&L Hardware Co., Ltd.
 Qingdao Gold Dragon Co., Ltd.
 Qingdao Hongyuan Nail Industry Co., Ltd.
 Qingdao JCD Machinery Co., Ltd.
 Qingdao Jisco Co., Ltd.
 Qingdao Meijialucky Industry and Co.
 Qingdao MST Industry and Commerce Co., Ltd.
 Qingdao Powerful Machinery Co., Ltd.
 Qingdao Sunrise Metal Products Co., Ltd.
 Qingdao TianHeng Xiang metal Products Co., Ltd.
 Qingdao Tiger Hardware Co., Ltd.
 Qingdao Top Metal Industrial Co., Ltd.
 Qingdao Top Steel Industrial Co., Ltd.
 Qingdao Uni-Trend International Ltd.
 Qingdao YuanYuan Metal Products LLC
 Quanzhou Quanxing Hardware Crafts C
 Quick Advance Inc.
 Quzhou Monsoon Hardware Co., Ltd.
 Region Industries Co., Ltd.
 Region System Sdn. Bhd.
 Rise Time Industrial Ltd.
 Ri-Time Group Inc.
 Ruifeng Hardware Products Co., Ltd.
 Shaanxi Newland Industrial Co.
 Shandong Dinglong Imp. & Exp. Co., Ltd.
 Shandong Liaocheng Minghua Metal Pvt. Ltd.
 Shandong Oriental Cherry Hardware Group Co., Ltd.
 Shanghai Cedargreen Imp. & Exp. Co., Ltd.
 Shanghai Centro Mechanical & Electrical
 Shanghai Haoray International Trade Co., Ltd.
 Shanghai Jade Shuttle Hardware Tools Co., Ltd.
 Shanghai March Import & Export Co., Ltd.
 Shanghai Seti Enterprise Int'l Co., Ltd.
 Shanghai Shenda Imp. & Exp. Co., Ltd.
 Shanghai Sutek Industries Co., Ltd.
 Shanghai Television and Electronics Import and Export Co., Ltd.
 Shanghai Yiren Machinery Co., Ltd.
 Shanghai Yueda Fasteners Co., Ltd.
 Shanghai Zoonlion Industrial Co., Limited
 Shanghai Zoonlion Industrial Co., Ltd.
 Shanxi Easyfix Trade Co., Ltd.
 Shanxi Fastener & Hardware Products
 Shanxi Xinjintai Hardware Co., Ltd.
 Shaoxing Bohui Import and Export Co., Ltd.
 Shaoxing Chengye Metal Producing Co., Ltd.
 Shenzhen Chuangyuan Jiayi Trading Co., Ltd.
 Shenzhen Fake Trading Co., Ltd.
 Shenzhen Jingmai Trade Co., Limited
 Shenzhen Xinjintai Hardware Co., Ltd.
 Shenzhen Yuantaifan Frame Craft Sourcing Metrics Ltd.
 Sueyi International Ltd.
 Sumec Machinery and Electric Co., Ltd.
 Suzhou Xingya Nail Co., Ltd.
 Taizhou Dajiang Ind. Co., Ltd.
 Team Builder Enterprise Ltd.
 Test-Rite International Co., Ltd.
 Theps International
 Tian Heng Xiang Metal Products Co., Ltd.
 Tianjin Baisheng Metal Products Co., Ltd.
 Tianjin Bluekin Industries Ltd.
 Tianjin Coways Metal Products Co., Ltd.
 Tianjin Dagang Jingang Nail Factory
 Tianjin Evangel Imp. & Exp. Co., Ltd.
 Tianjin Fulida Supply Co., Ltd.
 Tianjin High Wing International
 Tianjin Hongli Qiangsheng Imp. & Exp.
 Tianjin Huixinshangmao Co., Ltd.
 Tianjin Hweschun Fasteners Manufacturing Co., Ltd.
 Tianjin Jin Xin Sheng Long Metal Products Co., Ltd.
 Tianjin Jinghai County Hongli Industry and Business Co., Ltd.
 Tianjin Jinghai Yicheng Metal Pvt
 Tianjin Jinjin Pharmaceutical Factory
 Tianjin Jinmao Imp. & Exp. Corp., Ltd.
 Tianjin Jinyifeng Hardware Co., Ltd.
 Tianjin Jinzhuang Hardware Factory
 Tianjin Lianda Group Co., Ltd.
 Tianjin Liweitian Metal Technology
 Tianjin Tialai Import & Export Company Ltd.
 Tianjin Tianhua Environmental Plastics Co., Ltd.
 Tianjin Universal Machinery Imp. & Exp. Corp.
 Tianjin Yong Sheng Towel Mill
 Tianjin Yongye Furniture Co., Ltd.
 Tianjin Zhongjun Trade Company Limited
 Tianjin Zhonglian Times Technology
 Tianjin Zhongsheng Garment Co., Ltd.
 Topworks Ltd.
 Total Glory Logistics Co., Ltd. (Qingdao)
 Trinity Steel Private Limited
 Tsugaru Enterprise Co., Ltd.
 Ujl Industries Co., Ltd.
 Unicorn Fasteners Co., Ltd.
 Verko Incorporated
 Walkbase Rubber Products Co., Ltd.
 Walsoon Trading Co., Ltd.
 Weifang Wenhe Pneumatic Tools Co., Ltd.
 Wenzhou Yodsn Fluid Equipment Co., Ltd.
 Win Fasteners Manufactory (Thailand) Co., Ltd.
 Wire Products Manufacturing Co., Ltd.
 Wuhu Diamond Metal Products Co., Ltd.
 Wulian Zhanpeng Metals Co., Ltd.
 Wuxi Holtrent International Co., Ltd.
 Wuxi Yushea Furniture Co., Ltd.
 Xiamen Hongju Printing Industry & Trade Co., Ltd.
 Xuzhou Cip International Group Co. Ltd.
 Yiwu Competency Trading Co., Ltd.
 Yiwu Kingland Import & Export Co.
 Yiwu Taisheng Decoration Materials Limited
 Yiwu Yipeng Import & Export Co., Ltd.
 Yongchang Metal Product Co., Ltd.
 Youngwoo Fasteners Co., Ltd.
 Yuyao Dingfeng Engineering Co. Ltd.
 Zhanghaiding Hardware Co., Ltd.
 Zhangjiagang Lianfeng Metals Products Co., Ltd.
 Zhangjiagang Longxiang Industries Co., Ltd.
 Zhaoqing Harvest Nails Co., Ltd.
 Zhejiang Best Nail Industry Co., Ltd.
 Zhejiang Jihengkang (JHK) Door Ind. Co., Ltd.
 Zhejiang Rongpeng Imp. & Exp. Co., Ltd.
 Zhejiang Saiteng New Building Materials Co., Ltd.
 Zhejiang Yiwu Yongzhou Imp. & Exp. Co., Ltd.
 Zhong Shan Daheng Metal Products Co., Ltd.
 Zhong Shan Shen Neng Metal Products Co., Ltd.
 Zhucheng Jinming Metal Products Co., Ltd.
 Zhucheng Runfang Paper Co., Ltd.
 Zhuhai Trillion Trading Co., Ltd.
 Zon Mon Co., Ltd.

[FR Doc. 2021-13381 Filed 6-23-21; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE**International Trade Administration****[A-122-857]****Certain Softwood Lumber Products From Canada: Notice of Final Results of Antidumping Duty Changed Circumstances Review**

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On April 30, 2021, the Department of Commerce (Commerce) published the initiation and preliminary results of a changed circumstances review (CCR) of the antidumping duty (AD) order on certain softwood lumber products from Canada. For these final results, Commerce continues to find that Chaleur Forest Products LP (CFP LP) and Chaleur Forest Products Inc. (CFP Inc.) are the successors-in-interest (SIIs) to Chaleur Sawmills LP (Chaleur LP) and Fornebu Lumber Co. Inc. (Fornebu Inc.), respectively, in the context of the AD order on certain softwood lumber products from Canada.

DATES: Applicable June 24, 2021.

FOR FURTHER INFORMATION CONTACT: Eric B. Greynolds, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration,

U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 481-6071.

SUPPLEMENTARY INFORMATION:

Background

On March 11, 2021, CFP LP and CFP Inc. (collectively, the Chaleur Companies) requested that, pursuant to section 751(b) of the Tariff Act of 1930, as amended (the Act), 19 CFR 351.216, and 19 CFR 351.221(c)(3), Commerce conduct a CCR of the *Order*¹ to confirm that CFP LP and CFP Inc. are the SIIs to Chaleur LP and Fornebu Inc., respectively, and accordingly, to assign them the cash deposit rates of Chaleur LP and Fornebu Inc.² In its submission, the Chaleur Companies state that Chaleur LP and Fornebu Inc. undertook name changes to CFP LP and CFP Inc., respectively, but are otherwise unchanged.³

On April 30, 2021, Commerce initiated a CCR and preliminarily determined that CFP LP and CFP Inc. are the SIIs to Chaleur LP and Fornebu Inc., respectively.⁴ In the *Initiation and Preliminary Results CCR*, we provided all interested parties with an opportunity to comment.⁵ However, we received no comments.

Scope of the Order

The merchandise subject to the *Order* is certain softwood lumber products. The products are currently classified under the following Harmonized Tariff Schedule of the United States (HTSUS) item numbers: 4406.11.0000; 4406.91.0000; 4407.10.01.01; 4407.10.01.02; 4407.10.01.15; 4407.10.01.16; 4407.10.01.17; 4407.10.01.18; 4407.10.01.19; 4407.10.01.20; 4407.10.01.42; 4407.10.01.43; 4407.10.01.44; 4407.10.01.45; 4407.10.01.46; 4407.10.01.47; 4407.10.01.48; 4407.10.01.49; 4407.10.01.52; 4407.10.01.53; 4407.10.01.54; 4407.10.01.55; 4407.10.01.56; 4407.10.01.57; 4407.10.01.58; 4407.10.01.59; 4407.10.01.64; 4407.10.01.65; 4407.10.01.66;

4407.10.01.67; 4407.10.01.68; 4407.10.01.69; 4407.10.01.74; 4407.10.01.75; 4407.10.01.76; 4407.10.01.77; 4407.10.01.82; 4407.10.01.83; 4407.10.01.92; 4407.10.01.93; 4407.11.00.01; 4407.11.00.02; 4407.11.00.42; 4407.11.00.43; 4407.11.00.44; 4407.11.00.45; 4407.11.00.46; 4407.11.00.47; 4407.11.00.48; 4407.11.00.49; 4407.11.00.52; 4407.11.00.53; 4407.12.00.01; 4407.12.00.02; 4407.12.00.17; 4407.12.00.18; 4407.12.00.19; 4407.12.00.20; 4407.12.00.58; 4407.12.00.59; 4407.19.05.00; 4407.19.06.00; 4407.19.10.01; 4407.19.10.02; 4407.19.10.54; 4407.19.10.55; 4407.19.10.56; 4407.19.10.57; 4407.19.10.64; 4407.19.10.65; 4407.19.10.66; 4407.19.10.67; 4407.19.10.68; 4407.19.10.69; 4407.19.10.74; 4407.19.10.75; 4407.19.10.76; 4407.19.10.77; 4407.19.10.82; 4407.19.10.83; 4407.19.10.92; 4407.19.10.93; 4409.10.05.00; 4409.10.10.20; 4409.10.10.40; 4409.10.10.60; 4409.10.10.80; 4409.10.20.00; 4409.10.90.20; 4409.10.90.40; 4418.50.0010; 4418.50.0030; 4418.50.0050 and 4418.99.10.00. Although the HTSUS numbers are provided for convenience and customs purposes, the written product description remains dispositive.

Final Results of Changed Circumstances Review

For the reasons stated in the *Initiation and Preliminary Results CCR*, Commerce continues to find that CFP LP and CFP Inc. are the SIIs to Chaleur LP and Fornebu Inc., respectively. As a result of this determination and consistent with established practice, we find that CFP LP and CFP Inc. should receive the cash deposit rates previously assigned to Chaleur LP and Fornebu Inc., respectively. Consequently, Commerce will instruct U.S. Customs and Border Protection to suspend liquidation of all shipments of subject merchandise produced or exported by Chaleur LP and Fornebu Inc. and entered, or withdrawn from warehouse, for consumption on or after the publication date of this notice in the **Federal Register** at the cash deposit rate in effect for Chaleur LP and Fornebu Inc., respectively. This cash deposit requirement shall remain in effect until further notice.

Notification to Interested Parties

We are issuing this determination and publishing these final results and notice in accordance with sections 751(b)(1) and 777(i)(1) and (2) of the Act, and 19

CFR 351.216(e), 351.221(b), and 351.221(c)(3).

Dated: June 14, 2021.

Ryan Majerus,

Deputy Assistant Secretary for Policy and Negotiations.

[FR Doc. 2021-13380 Filed 6-23-21; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

Rutgers, The State University of New Jersey, et al.; Application(s) for Duty-Free Entry of Scientific Instruments

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, as amended by Pub. L. 106-36; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be postmarked on or before July 14, 2021. Address written comments to Statutory Import Programs Staff, Room 3720, U.S. Department of Commerce, Washington, DC 20230. Please also email a copy of those comments to Dianne.Hanshaw@trade.gov.

Docket Number: 19-018. *Applicant:* Rutgers, The State University of New Jersey, Physics and Astronomy Department, 136 Frelinghuysen Road, Piscataway, NJ 08854. *Instrument:* Tube Furnace, Box furnace, Sic Heater, MoSi2 Heater. *Manufacturer:* He Nan Nobody Materials Science and Technology, China. *Intended Use:* According to the applicant, the instrument will be used to study various physical properties in strongly correlated materials such as high-temperature superconductors, topological insulators or multiferroics. New materials will be conducted that have unique electric and magnetic properties using various crystal growth techniques such as flux, solid reaction, or chemical vapor transport. To identify grown materials x-ray diffraction and Laue diffraction will be employed. High-quality crystals will be further investigated with a physical property measurement system and a magnetic property measurement system to obtain their electric and magnetic properties in varying conditions of temperature, electric and magnetic fields. *Justification for Duty-Free Entry:* According to the applicant, there are no instruments of the same general

¹ See *Certain Softwood Lumber Products from Canada: Antidumping Duty Order and Partial Amended Final Determination*, 83 FR 350 (January 3, 2018) (*Order*).

² See Chaleur Companies' Letter, "Chaleur's Request for Changed Circumstances Reviews," dated March 11, 2021.

³ *Id.* at 2-3.

⁴ See *Certain Softwood Lumber Products from Canada: Notice of Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review*, 86 FR 22934 (April 30, 2021) (*Initiation and Preliminary Results CCR*), and accompanying Preliminary Decision Memorandum.

⁵ See *Initiation and Preliminary Results CCR*, 86 FR at 22935.

category manufactured in the United States. *Application accepted by Commissioner of Customs:* July 9, 2019.

Docket Number: 20–001. *Applicant:* Rutgers, The State University of New Jersey, Physics and Astronomy Department, 136 Frelinghuysen Road, Piscataway, NJ 00854. *Instrument:* CZekalski furnace (Crystal grower). *Manufacturer:* Sipat Co., Ltd., China. *Intended Use:* According to the applicant, the instrument will be used to study the physical properties of oxide and/or metallic materials and various physical phenomena based on strongly correlated materials such as high temperature superconductors, topological insulators or multiferroics. Electronic and/or magnetic properties of new oxide and/or metallic materials will be investigated. The growth of new materials will be conducted which have unique electric and magnetic properties using purchased crystal grower. To identify grown materials x-ray diffraction and Laue diffraction will be employed. The magnetic property measurement system obtains its electric and magnetic properties in varying conditions of temperature, electric and magnetic fields. *Justification for Duty-Free Entry:* According to the applicant, there are no instruments of the same general category manufactured in the United States. *Application accepted by Commissioner of Customs:* December 23, 2019.

Docket Number: 20–013. *Applicant:* Fermi Research Alliance, FRA. *Instrument:* Linac Coherent Light Source (LCLS–II) Upper Cold Mass Assemblies and Vacuum Vessels. *Manufacturer:* Wuxi Creative Technologies Company LTD WXCX, China. *Intended Use:* According to the applicant, the instrument will be used to study the cryomodels that will be used for scientific research, including the studies of elementary particles. Each assembly is an essential component necessary to build a cryomodel. LCLS–II upgrade includes three types of components (1) vacuum vessels for the 1.2 GHz cryomodels; (2) cold-mass assemblies for the 1.3 GHz; and (3) cold-mass assemblies for the cryomodels. These components will also be included in the complete assembly of the LCLS–II cryogenic cooling system, which insulates, provides and refreshes liquified helium gas. LCLS–II is a planned upgrade project for the free-electron laser facility located at SLAC. LCLS–II will consist of thirty-five (35) 1.3 GHz and two (2) 3.9 GHz superconducting radio frequency (RF) continuous wave (CW) cryomodels that Fermilab and Jefferson Lab are producing in collaboration with SLAC.

The LCLS–II will enable new experiments and research in six broad areas: (1) Fundamental dynamics of energy and charge in atoms and molecules; (2) catalysis, photo-catalysis, environmental, and coordination chemistry; (3) quantum materials; (4) non-scale heterogeneity, fluctuations, and dynamics of functional materials; (5) matter in extreme environments; and (6) biological function on natural length and time scales. *Justification for Duty-Free Entry:* According to the applicant, there are no instruments of the same general category manufactured in the United States. *Application accepted by Commissioner of Customs:* August 21, 2020.

Dated: June 17, 2021.

Richard Herring,

Director, Subsidies Enforcement, Enforcement and Compliance.

[FR Doc. 2021–13225 Filed 6–23–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–557–820]

Silicon Metal From Malaysia: Final Affirmative Determination of Sales at Less Than Fair Value

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) determines that silicon metal from Malaysia is being, or is likely to be, sold in the United States at less than fair value (LTFV). The final weighted-average dumping margins are listed below in the section entitled “Final Determination.”

DATES: Applicable June 24, 2021.

FOR FURTHER INFORMATION CONTACT: Genevieve Coen, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3251.

SUPPLEMENTARY INFORMATION:

Background

On February 1, 2021, Commerce published the *Preliminary Determination* in this investigation, and invited interested parties to comment on our findings.¹ The petitioners in this

¹ See *Silicon Metal from Malaysia: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures*, 86 FR 7701 (February 1, 2021) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum.

investigation are Globe Specialty Metals, Inc. and Mississippi Silicon LLC (collectively, the petitioners). The mandatory respondent subject to this investigation is PMB Silicon Sdn. Bhd. (PMB Silicon). A summary of the events that occurred since Commerce published the *Preliminary Determination*, as well as a full discussion of the issues raised by parties for this final determination, may be found in the Issues and Decision Memorandum.²

The Issues and Decision Memorandum is a public document and is available electronically via Enforcement and Compliance’s Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <http://enforcement.trade.gov/frn/index.html>.

Period of Investigation

The period of investigation (POI) is April 1, 2019, through March 31, 2020.

Scope of the Investigation

The product covered by this investigation is silicon metal from Malaysia. For a complete description of the scope of this investigation, see Appendix I.

Analysis of Comments Received

All issues raised in the case briefs and rebuttal briefs submitted by interested parties in this proceeding are discussed in the Issues and Decision Memorandum. A list of the issues raised by parties and responded to by Commerce in the Issues and Decision Memorandum is attached to this notice as Appendix II.

Verification

Commerce was unable to conduct an on-site verification of the information relied upon in making its final determination in this investigation as provided for in section 782(i) of the Tariff Act of 1930, as amended (the Act). Accordingly, we took additional steps in lieu of an on-site verification and requested additional documentation and information.³

² See Memorandum, “Issues and Decision Memorandum for the Final Affirmative Determination in the Less-Than-Fair-Value Investigation of Silicon Metal from Malaysia,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

³ See Commerce’s Letter, “In Lieu of Verification Questionnaire,” dated March 29, 2021; see also PMB Silicon’s Letter, “Silicon Metal from Malaysia,” dated April 6, 2021.

Changes Since the Preliminary Determination

Based on our analysis of the comments received, we made certain changes to the margin calculation for PMB Silicon. For a discussion of the issues, see the Issues and Decision Memorandum.

All-Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated weighted-average dumping margin for all other producers and exporters not individually investigated shall be equal to the weighted average of the estimated weighted-average dumping margins established for individually investigated exporters and producers, excluding any margins that are zero, *de minimis*, or determined entirely under section 776 of the Act. Commerce calculated an individual estimated weighted-average dumping margin for PMB Silicon, the only individually-examined exporter/producer in this investigation. Because the only individually-calculated dumping margin is not zero, *de minimis*, or based entirely on facts otherwise available, the estimated weighted-average dumping margin calculated for PMB Silicon is the margin assigned to all other producers and exporters, pursuant to section 735(c)(5)(A) of the Act.

Final Determination

The final estimated weighted-average dumping margins are as follows:

Exporter/producer	Weighted-average dumping margin (percent)
PMB Silicon Sdn. Bhd.	12.27
All Others	12.27

Disclosure

We intend to disclose to interested parties the calculations and analysis performed in this final determination within five days of any public announcement or, if there is no public announcement, within five days of the date of the publication of this notice to parties in this proceeding in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, Commerce will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all appropriate entries of subject merchandise, as described in Appendix I of this notice, entered, or

withdrawn from warehouse, for consumption on or after February 1, 2021, the date of publication of the *Preliminary Determination* in the **Federal Register**.

Pursuant to section 735(c)(1)(B)(ii) of the Act and 19 CFR 351.210(d), upon publication of this notice, Commerce will instruct CBP to require a cash deposit for entries of subject merchandise equal to the estimated weighted-average dumping margin or the estimated all-others rate, as follows: (1) The cash deposit rate for PMB Silicon listed in the table above will be equal to the respondent-specific estimated weighted-average dumping margin determined in this final determination; (2) if the exporter is not a respondent identified in the table above but the producer is, then the cash deposit rate will be equal to the estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin.

These suspension of liquidation instructions will remain in effect until further notice.

International Trade Commission Notification

In accordance with section 735(d) of the Act, we will notify the International Trade Commission (ITC) of the final affirmative determination of sales at LTFV. Because the final determination in this proceeding is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports, or sales (or the likelihood of sales) for importation of silicon metal no later than 45 days after our final determination. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated, and all cash deposits will be refunded. If the ITC determines that material injury or threat of material injury does exist, Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise, entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

Notification Regarding Administrative Protective Order

This notice serves as the only reminder to parties subject to an

administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a violation subject to sanction.

Notification to Interested Parties

We are issuing and publishing this determination and notice in accordance with sections 735(d) and 777(i) of the Act and 19 CFR 351.210(c).

Dated: June 16, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I—Scope of the Investigation

The scope of this investigation covers all forms and sizes of silicon metal, including silicon metal powder. Silicon metal contains at least 85.00 percent but less than 99.99 percent silicon, and less than 4.00 percent iron, by actual weight. Semiconductor grade silicon (merchandise containing at least 99.99 percent silicon by actual weight and classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheading 2804.61.0000) is excluded from the scope of this investigation.

Silicon metal is currently classifiable under subheadings 2804.69.1000 and 2804.69.5000 of the HTSUS. While the HTSUS numbers are provided for convenience and customs purposes, the written description of the scope remains dispositive.

Appendix II—List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Investigation
- IV. Changes Since the *Preliminary Determination*
- V. Discussion of the Issues
 - Comment 1: Whether Commerce Should Apply Total Adverse Facts Available (AFA) to PMB Silicon’s Reported Costs
 - Comment 2: Whether Commerce Should Apply Partial AFA to PMB Silicon’s Reported Sales
 - Comment 3: Whether PMB Silicon’s General and Administrative Expenses Should Be Adjusted
 - Comment 4: Whether Commerce Erred in Calculating PMB Silicon’s Margin in the Preliminary Determination
 - Comment 5: Moot Arguments
- VI. Recommendation

[FR Doc. 2021–13205 Filed 6–23–21; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–871]

Finished Carbon Steel Flanges From India: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2018–2019

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) determines that producers and/or exporters subject to this administrative review did not make sales of finished carbon steel flanges from India at prices below normal value during the period of review (POR), August 1, 2018, through July 31, 2019. In addition, Commerce determines that Silbo Industries, Inc. (Silbo) had no shipments during the POR.

DATES: Applicable June 24, 2021.

FOR FURTHER INFORMATION CONTACT: Fred Baker, George McMahon, or Margaret Collins, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2924, (202) 482–1167, or (202) 482–6250, respectively.

SUPPLEMENTARY INFORMATION:

Background

On December 21, 2020, Commerce published the *Preliminary Results* of this administrative review and invited interested parties to comment.¹ This administrative review covers 41 producers and/or exporters of the subject merchandise. Commerce selected R.N. Gupta & Co. Ltd. (Gupta) and Norma (India) Limited (the Norma

Group) for individual examination. The producers/exporters not selected for individual examination are listed in the “Final Results of the Review” section of this notice.²

On January 21, 2021, the Norma Group submitted its case brief.³ On the same day, Weldbend Corporation and Boltex Manufacturing Co., L.P. (collectively, the petitioners), submitted a case brief related to Gupta.⁴ On January 27, 2021, the petitioners and Gupta submitted rebuttal briefs.⁵ No other party submitted case or rebuttal briefs.

On March 30, 2021, we extended the deadline for these final results, until June 18, 2021.⁶ Commerce conducted this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of the Order⁷

The scope of the *Order* covers finished carbon steel flanges. Finished carbon steel flanges are currently classified under subheadings 7307.91.5010 and 7307.91.5050 of the Harmonized Tariff Schedule of the United States (HTSUS). They may also be entered under HTSUS subheadings 7307.91.5030 and 7307.91.5070. While HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this order is dispositive.

For a full description of the scope of the *Order*, see the Issues and Decision Memorandum.⁸

Analysis of Comments Received

All issues raised by the parties in their case and rebuttal briefs are addressed in the Issues and Decision Memorandum. A list of the issues which parties raised, and to which we responded in the Issues and Decision Memorandum, follows in the appendix to this notice. The Issues and Decision

Memorandum is a public document and is on file electronically via Enforcement and Compliance’s Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the internet at <http://enforcement.trade.gov/frn/index.html>.

Changes Since the Preliminary Results

Based on our analysis of the comments received, and for the reasons explained in the Issues and Decision Memorandum, Commerce made certain changes to the preliminary weighted-average dumping margin for Gupta.

Final Determination of No Shipments

In the *Preliminary Results*, we preliminarily determined that Silbo had no shipments of subject merchandise during the POR. We received no comments from interested parties regarding that preliminary determination, nor did we receive any record evidence that would call into question our preliminary determination of no shipments. Accordingly, for these final results, we continue to determine that Silbo had no shipments of subject merchandise during the POR. Consistent with Commerce’s practice,⁹ we intend to instruct U.S. Customs and Border Protection (CBP) to liquidate any existing entries of subject merchandise produced by Silbo, but exported by other parties, at the rate for the intermediate reseller, if available, or at the all-others rate.¹⁰

Final Results of Administrative Review

For these final results, we determine that the following weighted-average dumping margins exist for the period August 1, 2018, through July 31, 2019:

Exporter/manufacturer	Weighted-average dumping margin (percent)
R.N. Gupta & Co., Ltd	0.00
Norma (India) Limited/USK Exports Private Limited/Uma Shanker Khandelwal & Co./Bansidhar Chiranjilal ¹¹	0.00

¹ See *Finished Carbon Steel Flanges from India: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2018–2019*, 85 FR 83051 (December 21, 2020) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

² See *Initiation of Antidumping and Countervailing Duty Administrative Reviews, 2018–2019*, 84 FR 83411 (October 7, 2019) (*Initiation Notice*).

³ See Norma’s Letter, “Finished Carbon Steel Flanges from India: Norma’s Comments on the Preliminary Results,” dated January 21, 2021.

⁴ See Petitioners’ Letter, “Finished Carbon Steel Flanges from India: Case Brief—Weldbend

Corporation and Boltex Manufacturing Co., L.P.,” dated January 21, 2021.

⁵ See Petitioners’ Rebuttal Brief, “Finished Carbon Steel Flanges from India: Petitioners’ Rebuttal Brief,” dated January 27, 2021; see also Gupta’s Rebuttal Brief, “Finished Carbon Steel Flanges from India: Rebuttal Brief of R.N. Gupta & Company Limited,” dated December 9, 2019.

⁶ See Memorandum, “Finished Carbon Steel Flanges from India: Extension of Deadline for Final Results of Antidumping Duty Administrative Review,” dated March 30, 2021.

⁷ See *Finished Carbon Steel Flanges from India and Italy: Antidumping Duty Orders*, 82 FR 40136 (August 24, 2017) (*Order*).

⁸ See Memorandum, “Issues and Decisions Memorandum for the Final Results of Administrative Review: Finished Carbon Steel Flanges from India; 2018–2019,” dated concurrently with, and hereby adopted by, this notice (Issues and Decisions Memorandum).

⁹ See, e.g., *Certain Corrosion-Resistant Steel Products from Taiwan: Final Results of the Antidumping Duty Administrative Review and Final Determination of No Shipments; 2018–2019*, 86 FR 28554 (May 27, 2021).

¹⁰ See *Order*, 82 FR at 40138.

Exporter/manufacturer	Weighted-average dumping margin (percent)
Adinath International	0.00
Allena Group	0.00
Alloyed Steel	0.00
Bebitz Flanges Works Private Limited	0.00
Bebitz U.S.A	0.00
C.D. Industries	0.00
CHW Forge Pvt. Ltd	0.00
CHW Forge ¹²	0.00
Citizen Metal Depot	0.00
Corum Flange	0.00
DN Forge Industries	0.00
Echjay Forgings Limited	0.00
Falcon Valves and Flanges Private Limited	0.00
Heubach International	0.00
Hindon Forge Pvt. Ltd	0.00
Jai Auto Private Limited	0.00
Kinnari Steel Corporation	0.00
M F Rings and Bearing Races Ltd	0.00
Mascot Metal Manufactures	0.00
OM Exports	0.00
Punjab Steel Works (PSW)	0.00
R. D. Forge	0.00
Raaj Sagar Steels	0.00
Ravi Ratan Metal Industries	0.00
Rolex Fittings India Pvt. Ltd	0.00
Rollwell Forge Pvt. Ltd	0.00
SHM (ShinHeung Machinery)	0.00
Siddhagiri Metal & Tubes	0.00
Sizer India	0.00
Steel Shape India	0.00
Sudhir Forgings Pvt. Ltd	0.00
Tirupati Forge	0.00
Umashanker Khandelwal Forging Limited	0.00

Rate for Non-Selected Respondents

For the companies that were not selected for individual review, we assigned a rate based on the rates for the respondents that were selected for individual examination.¹³ Consistent with the U.S. Court of Appeals for the Federal Circuit's decision in *Albemarle*, we are applying to the 33 companies not selected for individual examination the

¹¹ In the preliminary determination of sales at less-than-fair value (LTFV) investigation, Commerce determined that Norma (India), Limited, USK Exports Private Limited, Uma Shanker Khandelwal & Co., and Bansidhar Chiranjilal were a single entity (collectively "Norma Group"). See *Finished Carbon Steel Flanges from India: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination*, 82 FR 9719 (February 8, 2017), and accompanying PDM at 4–5; unchanged in *Finished Carbon Steel Flanges from India: Final Determination of Sales at Less Than Fair Value*, 82 FR 29483 (June 29, 2017). In this administrative review, Norma Group has presented evidence that the factual basis on which Commerce made its prior determination has not changed. See Norma Group's July 23, 2020 Supplemental Questionnaire Response at 2–9. Therefore, in this administrative review, Commerce continues to collapse these four entities and treat them as a single entity.

¹² The name of this company was incorreccted spelled "CHQ Forge Pvt. Ltd." in the *Preliminary Results*. See *Initiation Notice*. We have corrected the spelling of this company's name for purposes of these final results.

zero percent rates calculated for the mandatory respondents, Gupta and the Norma Group.¹⁴ These are the only rates determined in this review for individual respondents and, thus, should be applied to the 33 firms not selected for individual examination under section 735(c)(5)(B) of the Act.

Disclosure

Commerce intends to disclose the calculations performed for these final results to parties in this proceeding within five days of the date of publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Assessment Rates

Upon completion of this administrative review, Commerce shall determine and CBP shall assess antidumping duties on all appropriate entries. Because the weighted-average dumping margins of Gupta, the Norma Group, and the 33 firms not selected for individual examination have been determined to be zero percent within the meaning of 19 CFR 351.106(c), we

¹³ See section 735(c)(5)(A) of the Act.

¹⁴ See *Albemarle Corp. v. United States*, 821 F.3d 1345 (Fed. Cir. 2016) (*Albemarle*).

will instruct CBP to liquidate the appropriate entries without regard to antidumping duties. In accordance with Commerce's practice, for entries of subject merchandise during the POR for which Gupta and the Norma Group did not know that the merchandise was destined for the United States, we will instruct CBP to liquidate such entries at the all-others rate if there is no company-specific rate for the intermediate company(ies) involved in the transaction.¹⁵

Consistent with its recent notice,¹⁶ Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has

¹⁵ See *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

¹⁶ See *Notice of Discontinuation of Policy to Issue Liquidation Instructions After 15 Days in Applicable Antidumping and Countervailing Duty Administrative Proceedings*, 86 FR 3995 (January 15, 2021).

expired (*i.e.*, within 90 days of publication).

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rates for the reviewed companies will be the rates established in the final results of this administrative review; (2) for merchandise exported by producers or exporters not covered in this administrative review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original LTFV investigation, but the producer is, the cash deposit rate will be the rate established for the most recent segment of this proceeding for the producer of the subject merchandise; (4) the cash deposit rate for all other producers or exporters will continue to be 8.91 percent,¹⁷ the all-others rate established in the LTFV investigation. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties and/or countervailing duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties and/or countervailing duties occurred and the subsequent assessment of doubled antidumping duties.

Administrative Protective Order (APO)

This notice also serves as a reminder to parties subject to APO of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance

¹⁷ In the *Preliminary Results*, Commerce inadvertently listed as the all-others rate the estimated weighted-average dumping margin from the antidumping duty order on carbon steel flanges from India. See *Finished Carbon Steel Flanges from India: Final Determination of Sales at Less Than Fair Value*, 82 FR 29483 (June 29, 2017); see also *Order*, 82 FR at 40136. We have revised our reference to the all-others rate to reflect the cash deposit rate, adjusted for subsidy offsets, as stated in the *Order*.

with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213(h) and 351.221(b)(5).

Dated: June 17, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Changes from the Preliminary Results
- V. Discussion of the Issues
 - Comment 1: Adjustments to Gupta's Costs
 - Comment 2: Gupta's Reported Freight Revenues
 - Comment 3: Constructed Value Profit and Selling Expense Rates for Norma Group
- VI. Recommendation

[FR Doc. 2021-13409 Filed 6-23-21; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration [A-552-831]

Seamless Refined Copper Pipe and Tube From the Socialist Republic of Vietnam: Final Affirmative Determination of Sales at Less Than Fair Value and Final Negative Determination of Critical Circumstances

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that imports of seamless refined copper pipe and tube (copper pipe and tube) from the Socialist Republic of Vietnam (Vietnam) are being, or are likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is October 1, 2019, through March 31, 2020. Further, Commerce finds that critical circumstances do not exist.

DATES: Applicable June 24, 2021.

FOR FURTHER INFORMATION CONTACT: Ariela Garvett, AD/CVD Operations,

Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-3609.

SUPPLEMENTARY INFORMATION:

Background

On February 1, 2021, Commerce published the *Preliminary Determination* in the LTFV investigation of copper pipe and tube from Vietnam.¹ On February 8, 2021, Commerce postponed the final determination of this investigation to June 16, 2021.² The petitioners in this investigation are the American Copper Tube Coalition and its individual constituent members (collectively, the petitioners).³ The sole mandatory respondent in this investigation is Hailiang (Vietnam) Copper Manufacturing Company Limited (Hailiang Vietnam),⁴ and in the *Preliminary Determination*, Commerce determined that Hailiang Vietnam and Hongkong Hailiang Metal Trading Limited (also known as Hong Kong Hailiang Metal Trading Limited) (Hongkong Hailiang) should be treated as a single entity, collectively, Hailiang Vietnam/Hongkong Hailiang.⁵ We invited interested parties to comment on the *Preliminary Determination*.⁶ A summary of the events that occurred since Commerce published the *Preliminary Determination* may be found in the Issues and Decision Memorandum.⁷

The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and

¹ See *Seamless Refined Copper Pipe and Tube from the Socialist Republic of Vietnam: Preliminary Affirmative Determination of Sales at Less Than Fair Value and Preliminary Negative Determination of Critical Circumstances*, 86 FR 7698 (February 1, 2021) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum.

² See *Seamless Refined Copper Pipe and Tube from the Socialist Republic of Vietnam: Postponement of Final Determination in the Less-Than-Fair-Value Investigation*, 86 FR 8588 (February 8, 2021).

³ The members of the American Copper Tube Coalition are Mueller Copper Tube Products, Inc.; Mueller Copper Tube West Co.; Mueller Copper Tube Company, Inc.; Howell Metal Company; and Linesets, Inc. and Cerro Flow Products, LLC.

⁴ See Memorandum, "Selection of Mandatory Respondents for Individual Examination," dated September 8, 2020.

⁵ See Memorandum, "Affiliation and Single Entity Treatment Memorandum," dated January 26, 2021.

⁶ See *Preliminary Determination*.

⁷ See Memorandum, "Issues and Decision Memorandum for the Final Affirmative Determination in the Less-Than-Fair-Value Investigation of Seamless Refined Copper Pipe and Tube from the Socialist Republic of Vietnam," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <http://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <http://enforcement.trade.gov/frn/>.

Scope of the Investigation

The products covered by this investigation are copper pipe and tube from Vietnam. For a full description of the scope of this investigation, see Appendix I.

Scope Comments

Commerce received no comments from interested parties regarding the scope of this investigation. Accordingly, Commerce has not modified the scope language from the *Preliminary Determination*.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs that were submitted by parties in this investigation are addressed in the Issues and Decision Memorandum. A list of the issues addressed in the Issues and Decision Memorandum is attached to this notice at Appendix II.

Verification

Commerce was unable to conduct on-site verification of the information relied upon in making its final determination in this investigation. However, we took additional steps in lieu of an on-site verification to verify the information relied upon in making this final determination, in accordance with section 782(i) of the Tariff Act of 1930, as amended (the Act).⁸

Methodology

Commerce conducted this investigation in accordance with section 731 of the Act. Export price was calculated in accordance with section 772(a) of the Act. Constructed export price was calculated in accordance with section 772(b) of the Act. Because Vietnam is a non-market economy within the meaning of section 771(18) of the Act, normal value was calculated in accordance with section 773(c) of the Act. For a full description of the methodology underlying Commerce’s determination, see the Preliminary Decision Memorandum; see also the Issues and Decision Memorandum.

Changes Since the Preliminary Determination

Based on our analysis of the comments received, the information received in lieu of on-site verification, and our analysis of the ministerial error allegations,⁹ we made certain changes to the margin calculations for Hailiang Vietnam/Hongkong Hailiang. For a discussion of these changes, see the Issues and Decision Memorandum and the Final Analysis Memorandum.¹⁰ In light of these changes to the margin calculations and the resulting revised estimated weighted-average dumping margin for Hailiang Vietnam/Hongkong Hailiang, we have also revised the rates assigned to companies eligible for a separate rate and to the Vietnam-wide entity.¹¹

Final Negative Determination of Critical Circumstances

Commerce preliminarily determined that critical circumstances did not exist for Hailiang Vietnam/Hongkong Hailiang, the non-individually investigated companies qualifying for a separate rate, and the Vietnam-wide

entity.¹² No parties submitted comments regarding our negative preliminary critical circumstances determination. For this final determination, Commerce revised its surge analysis to include all months for which U.S. import data are available. For the final determination, in accordance with section 735(a)(3) of the Act and 19 CFR 351.206, Commerce continues to find that critical circumstances do not exist for Hailiang Vietnam/Hongkong Hailiang, the non-individually investigated companies qualifying for a separate rate, and the Vietnam-wide entity. For a full description of the methodology and results of Commerce’s critical circumstances analysis, see the Issues and Decision Memorandum and the Final Critical Circumstances Surge Analysis Memorandum.¹³

Separate Rates

No party commented on our preliminary separate rate determinations with respect to the mandatory respondent and the non-individually examined companies. Thus, there is no basis to reconsider the *Preliminary Determination* with respect to separate rate status for this final determination.

Combination Rates

As explained in the *Initiation Notice* and implemented in the *Preliminary Determination*, we have continued to calculate producer/exporter combination rates for the respondents that are eligible for a separate rate.¹⁴ Policy Bulletin 05.1 describes this practice.¹⁵

Final Determination

The final estimated weighted-average dumping margins are as follows:

Producer	Exporter	Estimated weighted-average dumping margin (Percent)
Hailiang (Vietnam) Copper Manufacturing Company Limited/Hongkong Hailiang Metal Trading Limited (aka Hong Kong Hailiang Metal Trading Limited).	Hailiang (Vietnam) Copper Manufacturing Company Limited/Hongkong Hailiang Metal Trading Limited (aka Hong Kong Hailiang Metal Trading Limited).	8.35
Jintian Copper Industrial (Vietnam) Company Limited. (aka Jintian Copper Industrial (Vietnam) Co., Ltd).	Jintian Copper Industrial (Vietnam) Company Limited. (aka Jintian Copper Industrial (Vietnam) Co., Ltd).	8.35
Toan Phat Copper Tube Joint Stock Company	Toan Phat Copper Tube Joint Stock Company	8.35

⁸ See Commerce’s Letter, Remote Verification Questionnaire, dated February 22, 2021.

⁹ See Memorandum, “Allegation of Ministerial Errors in the Preliminary Determination,” dated February 22, 2021.

¹⁰ See Memorandum, “Final Determination Calculations for Hailiang Vietnam/Hongkong Hailiang,” dated concurrently with this memorandum (Final Analysis Memorandum).

¹¹ See *Preliminary Determination Preliminary Decision Memorandum* at 28.

¹² See *Preliminary Determination*.

¹³ See Memorandum, “Final Critical Circumstances Surge Analysis,” dated concurrently with this memorandum (Final Critical Circumstances Surge Analysis Memorandum).

¹⁴ *Id.*; see also *Seamless Refined Copper Pipe and Tube from the Socialist Republic of Vietnam*:

Initiation of Less-Than-Fair-Value Investigation, 85 FR 47181 (August 4, 2020) (*Initiation Notice*).

¹⁵ See Enforcement and Compliance’s Policy Bulletin No. 05.1, regarding, “Separate-Rates Practice and Application of Combination Rates in Antidumping Investigations Involving Non-Market Economy Countries,” (April 5, 2005) (Policy Bulletin 05.1), available on Commerce’s website at <http://enforcement.trade.gov/policy/bull05-1.pdf>.

Producer	Exporter	Estimated weighted-average dumping margin (Percent)
Vietnam-Wide Entity		8.35

Disclosure

Commerce intends to disclose to interested parties under Administrative Protective Order (APO), the calculations performed in connection with this final determination within five days of its public announcement or, if there is no public announcement, within five days of the date of publication of the notice of final determination in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, Commerce will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all appropriate entries of copper pipe and tube from Vietnam, as described in Appendix I of this notice, which are entered, or withdrawn from warehouse, for consumption on or after February 1, 2021, the date of publication of the *Preliminary Determination* in the **Federal Register**.

Pursuant to section 735(c)(1)(B)(ii) of the Act and 19 CFR 351.210(d), upon publication of this notice, Commerce will instruct CBP to require a cash deposit for estimated antidumping duties for such entries as follows: (1) For the exporter/producer combinations listed in the table above, the cash deposit rate is equal to the estimated weighted-average dumping margin listed for that combination in the table; (2) for all combinations of Vietnamese exporters/producers not listed in the above table, the cash deposit rate is equal to the estimated weighted-average dumping margin listed in the table for the Vietnam-wide entity; and (3) for all third-country exporters, the cash deposit rate is equal to the cash deposit rate applicable to the Vietnamese exporter/producer combination (or the Vietnam-wide entity) that supplied that third-country exporter.

These suspension of liquidation instructions will remain in effect until further notice.

International Trade Commission (ITC) Notification

In accordance with section 735(d) of the Act, we will notify the ITC of the final affirmative determination of sales at LTFV. Because the final

determination is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports or sales (or the likelihood of sales) for importation of subject copper pipe and tube, no later than 45 days after this final determination. If the ITC determines that such injury does not exist, this proceeding will be terminated, and all cash deposited for antidumping duties will be refunded. If the ITC determines that such injury does exist, Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the “Continuation of Suspension of Liquidation” section.

Notification Regarding APO

This notice serves as a reminder to the parties subject to APO of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or, alternatively, conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation that is subject to sanction.

Notification to Interested Parties

This determination is issued and published pursuant to sections 735(d) and 777(i)(1) of the Act, and 19 CFR 351.210(c).

Dated: June 16, 2021.

Christian Marsh,
Acting Assistant Secretary for Enforcement and Compliance.

Appendix I—Scope of the Investigation

The products covered by this investigation are all seamless circular refined copper pipes and tubes, including redraw hollows, greater than or equal to 6 inches (152.4 mm) in actual length and measuring less than 12.130 inches (308.102 mm) in actual outside diameter (OD), regardless of wall thickness, bore (e.g., smooth, enhanced with inner

grooves or ridges), manufacturing process (e.g., hot finished, cold-drawn, annealed), outer surface (e.g., plain or enhanced with grooves, ridges, fins, or gills), end finish (e.g., plain end, swaged end, flared end, expanded end, crimped end, threaded), coating (e.g., plastic, paint), insulation, attachments (e.g., plain, capped, plugged, with compression or other fitting), or physical configuration (e.g., straight, coiled, bent, wound on spools).

The scope of this investigation covers, but is not limited to, seamless refined copper pipe and tube produced or comparable to the American Society for Testing and Materials (ASTM) ASTM-B42, ASTM-B68, ASTM-B75, ASTM-B88, ASTM-B88M, ASTM-B188, ASTM-B251, ASTM-B251M, ASTM-B280, ASTM-B302, ASTM-B306, ASTM-B359, ASTM-B743, ASTM-B819, and ASTM-B903 specifications and meeting the physical parameters described therein.

Also included within the scope of this investigation are all sets of covered products, including “line sets” of seamless refined copper tubes (with or without fittings or insulation) suitable for connecting an outdoor air conditioner or heat pump to an indoor evaporator unit. The phrase “all sets of covered products” denotes any combination of items put up for sale that is comprised of merchandise subject to the scope.

“Refined copper” is defined as: (1) Metal containing at least 99.85 percent by actual weight of copper; or (2) metal containing at least 97.5 percent by actual weight of copper, provided that the content by actual weight of any other element does not exceed the following limits:

Element	Limiting content percent by weight
Ag—Silver	0.25
As—Arsenic	0.5
Cd—Cadmium	1.3
Cr—Chromium	1.4
Mg—Magnesium	0.8
Pb—Lead	1.5
S—Sulfur	0.7
Sn—Tin	0.8
Te—Tellurium	0.8
Zn—Zinc	1.0
Zr—Zirconium	0.3
Other elements (each)	0.3

Excluded from the scope of this investigation are all seamless circular hollows of refined copper less than 12 inches in actual length whose actual OD exceeds its actual length.

The products subject to this investigation are currently classifiable under subheadings 7411.10.1030 and 7411.10.1090 of the Harmonized Tariff Schedule of the United

States (HTSUS). Products subject to the investigation may also enter under HTSUS subheadings 7407.10.1500, 7419.99.5050, 8415.90.8065, and 8415.90.8085. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the investigation is dispositive.

Appendix II—List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Period of Investigation
- IV. Scope of the Investigation
- V. Final Negative Determination of Critical Circumstances
- VI. Changes Since the Preliminary Determination
- VII. Discussion of the Issues
 - Comment 1: Hailiang America Corporation's (Hailiang America) Credit and Rebate Expenses
 - Comment 2: General and Administrative (GNA) Expenses and Financial (INTEX) Expenses for Further Manufacturing Costs
 - Comment 3: Whether To Continue To Use Factors of Production (FOP) Database "Hailiangfop04a"
 - Comment 4: Surrogate Value (SV) for Nitrogen
 - Comment 5: SV for Electricity
 - Comment 6: SV for Insulation Material Polyethylene (Insulation MPE)
 - Comment 7: Whether To Apply Partial Adverse Facts Available (AFA) to Copper and Electricity Usage Rates
 - Comment 8: Use of Sagardeep Alloys Limited's (Sagardeep) and Bhagyanagar India Limited's (Bhagyanagar) Financial Statements To Calculate the Surrogate Financial Ratios
- VIII. Recommendation

[FR Doc. 2021-13204 Filed 6-23-21; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-549-820]

Prestressed Concrete Steel Wire Strand From Thailand: Partial Rescission of Antidumping Duty Administrative Review; 2020

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) is rescinding the administrative review, in part, of the antidumping duty order on prestressed concrete steel wire strand (PC Strand) from Thailand for the period of review (POR) January 1, 2020, through December 31, 2020.

DATES: Applicable June 24, 2021.

FOR FURTHER INFORMATION CONTACT: Samantha Kinney or Brian Smith, AD/

CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-2285 or (202) 482-1766, respectively.

SUPPLEMENTARY INFORMATION:

Background

On January 5, 2021, Commerce published a notice of opportunity to request an administrative review of the antidumping duty order on PC strand from Thailand.¹ In response to this request, Insteel Wire Products Company, Sumiden Wire Products Corporation, and Wire Mesh Corporation, (the petitioners) filed a timely request for review with respect to Siam Industrial Wire Co., Ltd. (SIW).² Thai Wire Products Public Company Limited (TWP) timely requested an administrative review of itself.³ Based on these requests, in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.213(b), Commerce initiated an administrative review of the antidumping duty order on PC strand from Thailand covering the period January 1, 2020, through December 31, 2020.⁴ TWP timely withdrew its request for an administrative review on May 25, 2021.⁵

Partial Rescission of Administrative Review

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if the party that requested the review withdraws its request within 90 days of the publication date of the notice of initiation of the requested review. As noted above, TWP withdrew its request for an administrative review of itself by the established deadline.⁶

Because TWP's request for administrative review was withdrawn within 90 days of the date of publication of the *Initiation Notice*, and no other interested party requested a review of

this company, Commerce is rescinding its review with respect to TWP, in accordance with 19 CFR 351.213(d)(1). The administrative review remains active with respect to SIW, the remaining company for which a review was initiated.

Assessment

Commerce intends to instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries of PC strand from Thailand at a rate equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, during the period January 1, 2020, through December 31, 2020, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue assessment instructions to CBP no earlier than 35 days after publication of this notice in the **Federal Register**.

Notification to Importers

This notice serves as a final reminder to certain importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Notification Regarding Administrative Protective Orders

This notice also serves as a final reminder to certain parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213(d)(4).

¹ See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 86 FR 291 (January 5, 2021).

² See Petitioners' Letter, "Prestressed Concrete Steel Wire Strand from Thailand—Petitioners' Request for 2020 Administrative Review," dated January 28, 2021.

³ See TWP's Letter, "Prestressed Concrete Steel Wire Strand from Thailand," dated February 4, 2021.

⁴ See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 86 FR 12599 (March 4, 2021) (*Initiation Notice*).

⁵ See TWP's Letter, "Administrative Review Withdrawal," dated March 25, 2021.

⁶ *Id.*

Dated: June 16, 2021.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2021-13157 Filed 6-23-21; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; NIST Generic Request for Customer Service-Related Data Collections

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on January 19, 2021 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: National Institute of Standards and Technology (NIST).

Title: NIST Generic Request for Customer Service-Related Data Collections.

OMB Control Number: 0693-0031.

Form Number(s): None.

Type of Request: Regular Submission, extension of a current information collection.

Number of Respondents: 120,000.

Average Hours per Response: Less than 2 minutes for a response card, 2 hours for focus group participation. The average estimated response time for the completion of a collection instrument is expected to be less than 30 minutes per response.

Burden Hours: 15,000.

Needs and Uses: NIST conducts surveys, focus groups, and other customer satisfaction/service data collections. The collected information is needed and will be used to determine the kind and the quality of products, services, and information our key customers want and expect, as well as their satisfaction with and awareness or existing products, services, and information.

Affected Public: Business or other for-profit organizations, individuals or households, not-for-profit institutions.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

Legal Authority:

This information collection request may be viewed at www.reginfo.gov.

Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function and entering either the title of the collection or the OMB Control Number 0693-0031.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2021-13415 Filed 6-23-21; 8:45 am]

BILLING CODE 3510-13-P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Generic Clearance for Decision Science Data Collections

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on March 15, 2021, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: National Institute of Standards and Technology (NIST), Commerce.

Title: Generic Clearance for Decision Science Data Collections.

OMB Control Number: 0693-XXXX.

Form Number(s): None.

Type of Request: Regular.

Number of Respondents: 30,000.

Average Hours per Response: Varied, dependent upon the data collection method used. The possible response time may be 15 minutes to complete a questionnaire or 2 hours to participate in an interview.

Burden Hours: 15,000.

Needs and Uses: The core mission of the National Institute of Standards and Technology (NIST) is to promote U.S. innovation and industrial competitiveness by advancing measurement science, standards, and technology in ways that enhance economic security and improve our quality of life. NIST's operating units across the agency increasingly recognize that the built environment is meant to serve social and economic functions. With this in mind, NIST proposes to conduct a number of data collection efforts directly related to decision-making across individuals, institutions, and communities relevant to key research areas of the agency. The use of decision and information science is critical to further the mission of NIST to promote U.S. innovation and industrial competitiveness. NIST proposes to conduct a number of data collection efforts in decision and information science to include decision analysis, risk analysis, cost-benefit and cost-effectiveness analysis, constrained optimization, simulation modeling, and application of perception, information processing, and decision models and theories; and drawing on parts of operations research, microeconomics, statistical inference, management control, cognitive and social psychology, and computer science. By focusing on decisions as the unit of analysis, decision science provides a unique framework for understanding interactions across technologies, socio-economic networks, organizations (e.g., institutions, firms), elements of the built environment, and a range of ecological problems and perceptions that influence these decisions. Data may be collected through a variety of modes, including but not limited to electronic or social media, direct or indirect observation (i.e., in-person, video, and audio collections), interviews, structured questionnaires, and focus groups.

Affected Public: Federal government; households and individuals; the private sector; and state and local governments.

Frequency: Select from the following options: once, annually, monthly, quarterly; Frequency will be variable across collections.

Respondent's Obligation: Voluntary.

This information collection request may be viewed at www.reginfo.gov. Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function and entering the title of the collection.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2021–13412 Filed 6–23–21; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB173]

Marine Mammals; File No. 25508

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that Sea World LLC (Responsible Party: Christopher Dold, DVM), 6240 Sea Harbor Drive, Orlando, Florida 32821, has applied in due form for a permit to continue captive maintenance and enhancement activities on two non-releasable Guadalupe fur seals (*Arctocephalus townsendi*) with the option of holding up to six non-releasable fur seals at any given time.

DATES: Written, telefaxed, or email comments must be received on or before July 26, 2021.

ADDRESSES: The application and related documents are available for review by selecting “Records Open for Public Comment” from the “Features” box on the Applications and Permits for Protected Species (APPS) home page, <https://apps.nmfs.noaa.gov>, and then selecting File No. 25508 from the list of available applications. These documents are also available upon written request via email to NMFS.Pr1Comments@noaa.gov.

Written comments on this application should be submitted via email to NMFS.Pr1Comments@noaa.gov. Please

include File No. 25508 in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request via email to NMFS.Pr1Comments@noaa.gov. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT:

Courtney Smith, Ph.D. or Jennifer Skidmore, (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

The applicant requests authorization for the continued maintenance of two previously stranded Guadalupe fur seals that were deemed non-releasable and placed at Sea World of California for enhancement purposes. The proposed enhancement activities for these and other Guadalupe fur seals (up to six non-releasable fur seals at any given time) would include daily husbandry and veterinary care, behavioral observations, and programs to educate the public regarding Guadalupe fur seal natural history, distribution and population status. These animals would be placed on public display, incidental to the enhancement activities, and would not be trained for performance. Opportunistic scientific research may occur, under separate authorization, pending approval by the SeaWorld Animal Science and Welfare Team and the attending veterinarian. The applicant has requested a five-year permit.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: June 14, 2021.

Julia Marie Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2021–13425 Filed 6–23–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID: 0648–XB176]

Mid-Atlantic Fishery Management Council (MAFMC); Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council’s Tilefish Monitoring Committee will hold a public meeting.

DATES: The meeting will be held on Thursday, July 22, 2021; from 9:00 a.m. to 11:00 a.m. For agenda details, see

SUPPLEMENTARY INFORMATION.

ADDRESSES: The meeting will be held via webinar. Webinar connection information will be available at: <https://www.mafmc.org/council-events>.

Council address: Mid-Atlantic Fishery Management Council, 800 N State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331 or on their website at www.mafmc.org.

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is for the Tilefish Monitoring Committee to review and possibly revise the 2022 annual catch limits, trip limits, discard estimates, and other management measures for the golden tilefish fishery, and to set new specifications for the golden tilefish fishery for 2023 and 2024.

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to Kathy Collins, (302) 526–5253, at least 5 days prior to the meeting date.

Dated: June 15, 2021.

Tracey L. Thompson,

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

[FR Doc. 2021–13321 Filed 6–23–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[RTID: 0648–XB177]

Mid-Atlantic Fishery Management Council (MAFMC); Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council's Bluefish Monitoring Committee will hold a public webinar meeting.

DATES: The meeting will be held Monday, July 26, 2021 from 1 p.m. to 4 p.m. For agenda details, see

SUPPLEMENTARY INFORMATION.

ADDRESSES: The meeting will be held via webinar. Connection information will be posted to the calendar at www.mafmc.org prior to the meeting.

Council address: Mid-Atlantic Fishery Management Council, 800 N State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331; www.mafmc.org.

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: The Bluefish Monitoring Committee will meet via webinar to discuss management measures. The objectives of this meeting are for the Monitoring Committee to: (1) Review recent stock assessment information, fishery performance, and recommendations from the Advisory Panel, the Scientific and Statistical Committee, and staff; (2) Recommend 2022–2023 commercial and recreational Annual Catch Limits, Annual Catch Targets, commercial quotas, and recreational harvest limits; (3) Review commercial management measures and recommend changes if needed; and (4) Review and discuss 2020 recreational data collection gaps and catch estimation methodology from the Marine Recreational Information Program. Meeting materials will be posted to www.mafmc.org.

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kathy Collins at the Mid-Atlantic Council Office (302) 526–5253 at least five days prior to the meeting date.

Dated: June 15, 2021.

Tracey L. Thompson,

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

[FR Doc. 2021–13320 Filed 6–23–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Application Forms for Membership on a National Marine Sanctuary Advisory Council**

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on February 5, 2021 (86 FR 8343) during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: National Oceanic and Atmospheric Administration, Commerce.

Title: Application Forms for Membership on a National Marine Sanctuary Advisory Council.

OMB Control Number: 0648–0397.

Form Number(s): None.

Type of Request: Revision and extension of a current information collection.

Number of Respondents: 750.

Average Hours per Response: 1.

Total Annual Burden Hours: 750.

Needs and Uses: This request is for revision and extension of this information collection. NOAA is proposing changes to both the youth and general advisory council applications. The specific changes can be found in the response to Question 1 of the Supporting Statement for this collection.

Section 315 of the *National Marine Sanctuaries Act* (NMSA) (16 U.S.C. 1445a) authorizes the Secretary of Commerce to establish one or more

advisory councils to advise and make recommendations to the Secretary regarding the designation and management of national marine sanctuaries. Executive Order 13178 (December 4, 2000) similarly established a Coral Reef Ecosystem Reserve Council pursuant to the NMSA to provide advice and recommendations regarding the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve. Councils are individually chartered to meet the specific needs of a sanctuary site or of the sanctuary system; 16 councils—15 sanctuary advisory councils and one reserve advisory council—currently exist. Once a council has been chartered, and as vacancies occur for existing councils, NOAA's Office of National Marine Sanctuaries starts a process to recruit members for that council by providing notice to the public and asking interested parties to apply for the available seats. An application form has been developed to help ease the application process for the public and facilitate the review process for the ONMS director.

Affected Public: Individuals.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

Legal Authority: *National Marine Sanctuaries Act* (16 U.S.C. 1445a).

This information collection request may be viewed at www.reginfo.gov. Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function and entering either the title of the collection or the OMB Control Number 0648–0397. Requests for information, including copies of the proposed collection of information and supporting documentation, may be directed to ONMS at katie.denman@noaa.gov.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2021–13201 Filed 6–23–21; 8:45 am]

BILLING CODE 3510–NK–P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****Federal Consistency Appeal by Norwalk Cove Marina, Inc.**

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of appeal.

SUMMARY: This announcement provides notice that the Department of Commerce (DOC) has received a “Notice of Appeal” filed by Norwalk Cove Marina, Inc. (Appellant), requesting that the Secretary override an objection by the New York State Department of State to a consistency certification for a proposed project to dispose of dredged material in the Central Long Island Sound Dredged Material Site.

DATES: Written comments and requests for a public hearing will be considered if received no later than July 26, 2021.

ADDRESSES: Comments or requests for a public hearing must be submitted by:

- **Electronic Submission:** Submit all electronic public comments or requests for a public hearing via the Federal eRulemaking portal. Go to www.regulations.gov and enter NOAA–HQ–2021–0059 in the search box. Click the “Comment” icon, complete the required fields, and enter or attach your comments.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NOAA.

NOAA intends to post publicly available materials and related documents comprising the appeal record electronically, at www.regulations.gov, under docket number NOAA–HQ–2021–0059.

FOR FURTHER INFORMATION CONTACT: For further questions about this notice, contact Bethany Henneman, NOAA Office of the General Counsel, Oceans and Coasts Section, 1305 East-West Highway, Room 6111, Silver Spring, MD 20910, (301) 300–0027, bethany.henneman@noaa.gov.

SUPPLEMENTARY INFORMATION:**Background**

On May 19, 2021, the Secretary of Commerce (Secretary) received a “Notice of Appeal” filed by Norwalk Cove Marina, Inc., pursuant to the Coastal Zone Management Act (CZMA), 16 U.S.C. 1451 *et seq.*, and implementing regulations found at 15 CFR part 930, subpart H. The “Notice of Appeal” is taken from an objection by

the New York State Department of State to a consistency certification for a pending permit application to the U.S. Army Corps of Engineers to dispose of approximately 24,500 cubic yards of dredged material in the Central Long Island Sound Disposal Site.

Under the CZMA, the Secretary may override the New York State Department of State’s objection on grounds that the project is consistent with the objectives or purposes of the CZMA, or otherwise necessary in the interest of national security. To make the determination that the proposed activity is “consistent with the objectives or purposes of the CZMA,” the Secretary must find that: (1) The proposed activity furthers the national interest as articulated in sections 302 or 303 of the CZMA, in a significant or substantial manner; (2) the national interest furthered by the proposed activity outweighs the activity’s adverse coastal effects, when those effects are considered separately or cumulatively; and (3) no reasonable alternative is available that would permit the proposed activity to be conducted in a manner consistent with the enforceable policies of the applicable coastal management program. 15 CFR 930.121. To make the determination that the proposed activity is “necessary in the interest of national security,” the Secretary must find that a national defense or other national security interest would be significantly impaired if the proposed activity is not permitted to go forward as proposed. 15 CFR 930.122.

Request for Public and Federal Agency Comments

We encourage the public and interested federal agencies to participate in this appeal by submitting written comments and any relevant materials supporting those comments using the method specified in the **ADDRESSES** section of this notice. All comments received are a part of the public record and will generally be posted for public viewing on www.regulations.gov without change. All personal identifying information (*e.g.*, name, address), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NOAA will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous).

Opportunity for Public Hearing

The Secretary may hold a public hearing on this appeal, either in response to a written request for a public hearing or upon her own initiative. You may submit a request for

a public hearing using the method specified in the **ADDRESSES** section of this notice. A written request for a public hearing must include an explanation for why you believe a public hearing would be beneficial and aid the decision-maker. If a hearing is held, advance notice of the time, date, and location of the public hearing will be published in the **Federal Register**. The public and federal agency comment period will also be reopened for a 10-day period following the hearing to allow for additional input.

Public Availability of Appeal Documents and Decisions

NOAA intends to provide access to publicly available materials and related documents comprising the appeal record on the following website: www.regulations.gov, under docket number NOAA–HQ–2021–0059.

(Authority: 15 CFR 930.128(a))

Adam Dilts,

Chief, Oceans and Coasts Section, Office of the General Counsel, National Oceanic and Atmospheric Administration.

[FR Doc. 2021–13396 Filed 6–23–21; 8:45 am]

BILLING CODE 3510–JE–P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[RTID 0648–XB152]

Fisheries of the South Atlantic; South Atlantic Fishery Management Council; Public Meetings

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

ACTION: Notice of a seminar series presentation.

SUMMARY: The South Atlantic Fishery Management Council (Council) will host a presentation on Release Mortality Estimation of South Atlantic Reef Fishes via webinar July 13, 2021.

DATES: The webinar presentation will be held on Tuesday, July 13, 2021, from 1 p.m. until 2:30 p.m.

ADDRESSES:

Meeting address: The presentation will be provided via webinar. The webinar is open to members of the public. Information, including a link to webinar registration will be posted on the Council’s website at: <https://safmc.net/safmc-meetings/other-meetings/> as it becomes available.

Council address: South Atlantic Fishery Management Council, 4055

Faber Place Drive, Suite 201, N
Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer, SAFMC; phone: (843) 302-8439 or toll free: (866) SAFMC-10; fax: (843) 769-4520; email: kim.iverson@safmc.net.

SUPPLEMENTARY INFORMATION: The Council will host a presentation from North Carolina State University fishery scientists on Release Mortality Estimation of the South Atlantic Reef Fishes. A question and answer session will follow the presentation. Members of the public will have the opportunity to participate in the discussion. The presentation is for informational purposes only and no management actions will be taken.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the Council office (see **ADDRESSES**) 5 days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: June 21, 2021.

Tracey L. Thompson,

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

[FR Doc. 2021-13383 Filed 6-23-21; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XB169]

Caribbean Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The Caribbean Fishery Management Council's (Council) Scientific and Statistical Committee (SSC) will hold a public virtual meeting to address the items contained in the tentative agenda included in the **SUPPLEMENTARY INFORMATION**.

DATES: The public virtual meeting will be held on July 14, 2021, from 10 a.m. to 4 p.m. The meeting will be at Eastern Standard Time.

ADDRESSES:

Join Zoom Meeting

<https://us02web.zoom.us/j/87172662536?pwd=>

*dLR3VnVCem5uV1JHa2hiSGZj
TVMwZz09*

Meeting ID: 871 7266 2536
Passcode: 998029

One tap mobile

+17879667727,,87172662536#,,,,
*998029# Puerto Rico
+19399450244,,87172662536#,,,,
*998029# Puerto Rico

Dial by your location

+1 787 966 7727 Puerto Rico
+1 939 945 0244 Puerto Rico
+1 787 945 1488 Puerto Rico
Meeting ID: 871 7266 2536
Passcode: 998029

Find your local number: <https://us02web.zoom.us/j/kv014d48Y>

In case there are problems and we cannot reconnect via Zoom, the meeting will continue using GoToMeeting. You may join from a computer, tablet or smartphone by entering the following address:

<https://global.gotomeeting.com/join/715099885>

Join from a video-conferencing room or system.

Dial in or type: 67.217.95.2 or
inroomlink.goto.com Meeting ID: 715
099 885 Or dial directly: 715099885@
67.217.95.2 or
67.217.95.2##715099885

New to GoToMeeting? Get the app now and be ready when the meeting starts: <https://global.gotomeeting.com/install/715099885>.

FOR FURTHER INFORMATION CONTACT:

Graciela García-Moliner, Caribbean Fishery Management Council, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico 00918-1903, telephone: (787) 403-8337.

SUPPLEMENTARY INFORMATION: The following items included in the tentative agenda will be discussed:

July 14, 2021

10 a.m.–10:15 a.m.

Call to Order

Roll Call

Adoption of the Agenda

10:15 a.m.–10:45 a.m.

National SSC August 2020: update 2022
Introduction Caribbean Branches
SEFSC-SERO Staff

10:45 a.m.–11:45 a.m.

Draft Tech Memo Data Poor ACLs
SSC Recommendations to CFMC

11:45 a.m.–12:45 p.m.

Dr. Schärer's letter to CFMC (2021
Update to west coast red hind FSA
(caribbeanfmc.com))

SSC Recommendations to CFMC

12:45 p.m.–1:45 p.m.

Lunch Break

1:45 p.m.–2:45 p.m.

Electronic Monitoring (*ET_Presentation.pdf(caribbeanfmc.com)*)
(*E_reporting_status_April_2021_for_CFMC.pdf(caribbeanfmc.com)*)

2:45 p.m.–4:00 p.m.

Other Business

Adjourn

The order of business may be adjusted as necessary to accommodate the completion of agenda items. The meeting will begin on July 14, 2021, at 10 a.m. EST, and will end at 4 p.m. EST. Other than the start time, interested parties should be aware that discussions may start earlier or later than indicated, at the discretion of the Chair. In addition, the meeting may be completed prior to the date established in this notice.

Special Accommodations

Simultaneous interpretation will be provided. To receive interpretation in Spanish you can dial into the meeting as follows:

US/Canada: call +1-888-947-3988, when system answers, enter 1*999996#. Para interpretación en inglés marcar: US/Canada: call +1-888-947-3988, cuando el sistema conteste, entrar el siguiente número 2*999996#.

For any additional information on this public virtual meeting, please contact Dr. Graciela García-Moliner, Caribbean Fishery Management Council, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico, 00918-1903, telephone: (787) 403-8337.

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

Dated: June 21, 2021.

Tracey L. Thompson,

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

[FR Doc. 2021-13385 Filed 6-23-21; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XB170]

Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council's Research Steering Committee (RSC) will hold a series of four workshops to potentially redevelop the research set-aside (RSA) program.

DATES: The first three workshops will be held via webinar on Thursday, July 15, Tuesday, August 31, and Thursday, October 14, 2021, all beginning at 10 a.m. and concluding by 4 p.m. The fourth workshop will be held in-person at a to be determined date and time in the late fall. For agenda details, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The first three workshops will be held via webinar and the final meeting will be an in-person workshop in the late fall. Details on the agenda, webinar listen-in access, and briefing materials will be posted at the MAFMC's website: www.mafmc.org.
Council address: Mid-Atlantic Fishery Management Council, 800 N State Street, Suite 201, Dover, DE 19901; telephone: (302) 674-2331; www.mafmc.org.

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council; phone: (302) 526-5255.

SUPPLEMENTARY INFORMATION: The Council is hosting a series of 4 workshops (3 webinars and 1 in-person meeting) to develop recommendations for the possible redevelopment of the RSA program. Each webinar will target a separate topic related to RSA (research, funding, and enforcement). The Scientific and Statistical Committee Economic Working Group will work collaboratively with the Council's RSC to provide economic input specific to each webinar topic, as well as develop meeting reports and briefing materials for the in-person workshop in the fall. During the final in-person workshop, participants will review the recommendations from the first three webinars and develop final recommendations for RSA program redevelopment. Workshop participants will include a core group of individuals who will be invited to attend all four workshops. Staff may solicit additional participants with topic-specific expertise to participate in each workshop. All workshops will be open to the public.

Special Accommodations

The meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kathy Collins at the Mid-Atlantic Council Office, (302)

526-5253, at least 5 days prior to the meeting date.

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

Dated: June 21, 2021.

Tracey L. Thompson,

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

[FR Doc. 2021-13386 Filed 6-23-21; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XB184]

Fisheries of the Gulf of Mexico; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

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

ACTION: Notice of SEDAR 72 assessment webinar IV for Gulf of Mexico gag grouper.

SUMMARY: The SEDAR 72 stock assessment process for Gulf of Mexico gag grouper will consist of a series of data and assessment webinars. See **SUPPLEMENTARY INFORMATION**.

DATES: The SEDAR 72 Assessment Webinar IV will be held July 12, 2021, from 1 p.m. until 3 p.m., Eastern Time.

ADDRESSES: The meeting will be held via webinar. The webinar is open to members of the public. Those interested in participating should contact Julie A. Neer at SEDAR (see **FOR FURTHER INFORMATION CONTACT**) to request an invitation providing webinar access information. Please request webinar invitations at least 24 hours in advance of each webinar.

SEDAR address: 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Julie A. Neer, SEDAR Coordinator; (843) 571-4366; email: Julie.neer@safmc.net.

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a multi-step process including: (1) Data Workshop, (2) a series of assessment webinars, and (3) A Review Workshop.

The product of the Data Workshop is a report that compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The assessment webinars produce a report that describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The product of the Review Workshop is an Assessment Summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, HMS Management Division, and Southeast Fisheries Science Center. Participants include data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and NGO's; International experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion during the Assessment Webinar are as follows:

- Using datasets and initial assessment analysis recommended from the data webinars, panelists will employ assessment models to evaluate stock status, estimate population benchmarks and management criteria, and project future conditions.
- Participants will recommend the most appropriate methods and configurations for determining stock status and estimating population parameters.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) at least 5 business days prior to each workshop.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: June 21, 2021.

Tracey L. Thompson,

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

[FR Doc. 2021-13387 Filed 6-23-21; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID: 0648-XB178]

Mid-Atlantic Fishery Management Council (MAFMC); Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council's Summer Flounder, Scup, and Black Sea Bass Monitoring Committee will hold a public webinar meeting.

DATES: The meeting will be held Tuesday, July 27, 2021 from 9 a.m. to 3 p.m. For agenda details, see

SUPPLEMENTARY INFORMATION.

ADDRESSES: The meeting will be held via webinar. Connection information will be posted to the calendar at www.mafmc.org prior to the meeting. *Council address:* Mid-Atlantic Fishery Management Council, 800 N State Street, Suite 201, Dover, DE 19901; telephone: (302) 674-2331; www.mafmc.org.

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526-5255.

SUPPLEMENTARY INFORMATION: The Summer Flounder, Scup, and Black Sea Bass Monitoring Committee will meet via webinar to discuss management measures for all three species. The objectives of this meeting are for the Monitoring Committee to: (1) Review recent stock assessment information, fishery performance, and recommendations from the Advisory Panel, the Scientific and Statistical Committee, and staff; (2) Recommend 2022-2023 commercial and recreational Annual Catch Limits, Annual Catch Targets, commercial quotas, and recreational harvest limits for summer flounder, scup, and black sea bass; (3) Review commercial management measures for all three species and recommend changes if needed; and (4) Review and discuss 2020 recreational

data collection gaps and catch estimation methodology from the Marine Recreational Information Program. Meeting materials will be posted to www.mafmc.org.

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kathy Collins at the Mid-Atlantic Council Office (302) 526-5253 at least five days prior to the meeting date.

Dated: June 15, 2021.

Tracey L. Thompson,

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

[FR Doc. 2021-13319 Filed 6-23-21; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XB165]

Fisheries of the South Atlantic; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

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

ACTION: Notice of SEDAR 77 Highly Migratory Species (HMS) Hammerhead Shark Stock Identification (ID) webinar 1.

SUMMARY: The SEDAR 77 assessment of the Atlantic stock of hammerheads sharks will consist of a stock ID process, data webinars/workshop, a series of assessment webinars, and a review workshop.

DATES: The SEDAR 77 HMS Hammerhead Shark Stock ID webinar 1 has been scheduled for Tuesday July 20, 2021, from 10 a.m. until 1 p.m. ET.

ADDRESSES:

Meeting address: The meeting will be held via webinar. The webinar is open to members of the public. Registration is available online at: <https://attendee.gotowebinar.com/register/7340326848399428367>.

SEDAR address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405; www.sedarweb.org.

FOR FURTHER INFORMATION CONTACT:

Kathleen Howington, SEDAR Coordinator, 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405; phone: (843) 571-4371; email: Kathleen.Howington@safmc.net.

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions, have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a three-step process including: (1) Data Workshop; (2) Assessment Process utilizing webinars; and (3) Review Workshop. The product of the Data Workshop is a data report which compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The product of the Assessment Process is a stock assessment report which describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The assessment is independently peer reviewed at the Review Workshop. The product of the Review Workshop is a Summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, Highly Migratory Species Management Division, and Southeast Fisheries Science Center. Participants include: Data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and non-governmental organizations (NGOs); international experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion at the SEDAR 77 HMS Hammerhead Shark Stock ID webinar 1 are as follows:

- Participants will use review genetic studies, growth patterns, and any other relevant information on hammerhead shark stock structure.

- Participants will make preliminary recommendations on biological stock structure and define the unit stock or stocks to be addressed through this assessment.

- Participants will review and request additional stock structure analyses if needed.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will

be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

This meeting is accessible to people with disabilities. Requests for auxiliary aids should be directed to the South Atlantic Fishery Management Council office (see **ADDRESSES**) at least 5 business days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: June 21, 2021.

Tracey L. Thompson,

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

[FR Doc. 2021-13384 Filed 6-23-21; 8:45 am]

BILLING CODE 3510-22-P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Public Meeting

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Notice of public meeting.

SUMMARY: The Committee is announcing a public meeting to be held July 8, 2021.

DATES: Registration is due no later than: July 6, 2021.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 715, Arlington, Virginia, 22202-4149.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Angela Phifer, Telephone: (703) 798-5873 or email CMTEFedReg@AbilityOne.gov.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51-2.3. Its purpose is to provide interested persons an opportunity to register to attend a public meeting.

Summary: This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51-2.3. Its purpose is to provide interested persons an opportunity to register to attend a public meeting.

This notice provides information to access and participate in the July 8, 2021 regular quarterly public meeting of the Committee for Purchase From

People Who Are Blind or Severely Disabled, operating as the U.S. AbilityOne Commission (Commission), via webinar. The Commission oversees the AbilityOne Program, which provides employment opportunities through federal contracts for people who are blind or have significant disabilities in the manufacture and delivery of products and services to the Federal Government. The Javits-Wagner-O'Day Act (41 U.S.C. chapter 85) authorizes the contracts and established 15 Presidential appointees, including private citizens conversant with the employment interests and concerns of people who are blind or significantly disabled. Presidential appointees also include representatives of federal agencies. The public meetings include updates from the Commission and staff.

Date and Time: July 8, 2021, from 9:00 a.m. to 12:00 p.m., EDT.

Place: This meeting will occur via Zoom webinar.

Commission Statement: As the Commission implements new strategies and priorities, we are committed to public meetings that provide substantive information. These meetings also provide an opportunity for input from the disability community and other stakeholders. On July 8, 2021, the Commission meeting agenda will include an update on "Ratio Calculation Recommendations of the 898 Panel," including a recommendation found in the FY2017 NDAA Section 898 "Panel on Department of Defense and AbilityOne Contracting Oversight, Accountability and Integrity" Third Annual Report to Congress. The recommendation is: "Amend the JWOD Act's 75 percent Direct Labor Hour ratio requirement, 41 U.S.C. 8501(6)(C), (7)(C), to promote employment and upward mobility of individuals with disabilities in integrated work environments, and provide for implementation requirements and guidelines."

Registration: Attendees must register not later than 11:59 p.m. EDT on Tuesday, July 6, 2021. The registration link will be accessible on the Commission's home page, www.abilityone.gov, not later than Monday, June 21, 2021. During registration, you may choose to submit comments or a statement. Comments submitted via the registration link will be shared with the Commission members prior to the meeting. Comments posted in the chat box during the meeting will be shared with the Commission members after the meeting.

Personal Information: Do not include any personally identifiable information that you do not want publicly

disclosed—e.g., address, phone number or other contact information, or confidential business information.

For Further Information Contact: Angela Phifer, (703) 798-5873.

The Commission is not subject to the requirements of 5 U.S.C. 552b; however, the Commission published this notice to encourage the broadest possible participation in its April 8, 2021 public meeting.

Michael R. Jurkowski,

Deputy Director, Business Operations.

[FR Doc. 2021-13350 Filed 6-23-21; 8:45 am]

BILLING CODE 6353-01-P

CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC-2021-0018]

Agency Information Collection Activities; Proposed Collection; Comment Request; Toy Warning Labels Online Survey

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: The Consumer Product Safety Commission (CPSC) is announcing an opportunity for public comment on a new proposed collection of information by the agency. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** for each proposed collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on a proposed survey to assess how toy safety labels on e-commerce websites affect caregivers' purchasing behaviors. The Commission will consider all comments received in response to this notice before submitting this collection of information to the Office of Management and Budget (OMB) for approval.

DATES: Submit written or electronic comments on the collection of information by August 23, 2021.

ADDRESSES: You may submit comments, identified by Docket No. CPSC-2021-0018, by any of the following methods:

Electronic Submissions: Submit electronic comments to the Federal eRulemaking Portal at: <https://www.regulations.gov>. Follow the instructions for submitting comments. CPSC does not accept comments submitted by electronic mail (email), except through <https://www.regulations.gov>. CPSC encourages you to submit electronic comments by using the Federal eRulemaking Portal, as described above.

Mail/Hand Delivery/Courier Written Submissions: Submit comments by mail/hand delivery/courier to: Division of the Secretariat, Consumer Product Safety Commission, Room 820, 4330 East-West Highway, Bethesda, MD 20814; telephone: (301) 504-7479; email: cpsc-os@cpsc.gov.

Instructions: All submissions must include the agency name and docket number for this notice. CPSC may post all comments received without change, including any personal identifiers, contact information, or other personal information provided, to: <https://www.regulations.gov>. Do not submit electronically: Confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public. If you wish to submit such information, please submit it according to the instructions for mail/hand delivery/courier written submissions.

Docket: For access to the docket to read background documents or comments received, go to: <https://www.regulations.gov>, insert Docket No. CPSC-2021-0018 into the "Search" box, and follow the prompts. A copy of the proposed survey is available at <http://www.regulations.gov> under Docket No. CPSC-2021-0018, Supporting and Related Material.

FOR FURTHER INFORMATION CONTACT:

Cynthia Gillham, Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814; (301) 504-7991, or by email to: cgillham@cpsc.gov.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501-3520), Federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. "Collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency proposed surveys. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information before submitting the collection to OMB for approval. Accordingly, CPSC is publishing notice of the proposed collection of information set forth in this document.

A. Warning Label Comprehension Survey

CPSC is authorized under section 5(a) of the Consumer Product Safety Act (CPSA), 15 U.S.C. 2054(a), to conduct studies and investigations relating to the causes and prevention of deaths, accidents, injuries, illnesses, other health impairments, and economic

losses associated with consumer products. Section 5(b) of the CPSA, 15 U.S.C. 2054(b), further provides that CPSC may conduct research, studies, and investigations on the safety of consumer products, and develop product safety test methods and testing devices.

In 2020, we conducted an Online Shopping Focus Group with 40 participants, which was approved under OMB Control No. 3041-0136. In-depth interviews were conducted with primary caregivers (parent or guardian) of young children ages 3-6 years old, to gather feedback on the caregivers' understanding, perceptions, and attitudes toward online toy safety messaging. Caregiver responses in the focus group study indicated that typically, they do not look for warning labels on web pages when shopping for toys on e-commerce websites. Some of the reasons for the failure to look for the warning labels may be the lack of prominent visibility of the safety information on consumer web pages, or because the warning labels were not particularly noticeable, or easy to find. These findings suggest that improving the location or design of warning labels may help caregivers become more aware and informed about the potential safety risks associated with products intended for young children.

CPSC seeks to learn more about caregivers' understanding and awareness of warning labels for toys intended for children 2 to 6 years old. This proposed survey will augment the work conducted in the focus group, through an online survey with 250 participants. The proposed survey will be directed to caregivers who have purchased a toy from an e-commerce website for a 2- to 6-year-old child, and assess how these caregivers interpret and adhere to safety warnings when purchasing toys for their child. CPSC will use this information to develop strategies and best-practice approaches for recommending where and how safety warnings for children's products should be displayed to get caregivers' attention when shopping online for children's toys or products.

CPSC has contracted with Fors Marsh Group, LLC, to develop and execute this project for CPSC. Information obtained through this survey is not intended to be considered nationally representative. CPSC intends to use findings from this survey, with findings from other research and activities, to assist with providing recommendations for refining and enhancing warning labels in the future, to convey critical information effectively about product safety warnings for online sellers.

B. Burden Hours

We estimate the number of respondents to the survey to be 250. The online survey for the proposed study will take approximately 15 minutes (0.25 hours) to complete. We estimate the total annual burden hours for respondents to be 62.50 hours. The monetized hourly cost is \$38.60, as defined by total compensation for all civilian workers, U.S. Bureau of Labor Statistics, Employer Costs for Employee Compensation, as of December 2020. Accordingly, we estimate the total cost burden to be \$2,412.50 (62.50 hours × \$38.60). The total cost to the federal government for the contract to design and conduct the proposed survey is \$152,712.

C. Request for Comments

CPSC invites comments on these topics:

- Whether the proposed collection of information is necessary for the proper performance of CPSC's functions, including whether the information will have practical utility;
- The accuracy of CPSC's estimate of the burden of the proposed collection of information, 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 respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Alberta E. Mills,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2021-13325 Filed 6-23-21; 8:45 am]

BILLING CODE P

DEPARTMENT OF DEFENSE

Office of the Secretary

Record of Decision for the Long Range Discrimination Radar Operations at Clear Air Force Station, Alaska

AGENCY: Missile Defense Agency, Department of Defense (DoD).

ACTION: Record of decision.

SUMMARY: The Missile Defense Agency (MDA), as lead agency, and the Department of the Air Force (DAF), as a cooperating agency, are issuing this joint Record of Decision (ROD) to implement changes in operational concept for the Long Range Discrimination Radar (LRDR) located at

Clear Air Force Station (CAFS), Alaska. This decision includes modification of the LRDR operational requirements and procedures to reflect continuous operations in response to emerging threats. This action will enable the MDA to meet its congressional mandate to fully support the primary mission of the layered Missile Defense System (MDS) to provide continuous and precise tracking and discrimination of long-range missile threats launched against the United States (U.S.).

FOR FURTHER INFORMATION CONTACT: For further information on the LRDR CAFS Final Environmental Impact Statement (EIS) or this ROD, please contact Mr. Ryan Keith, MDA Public Affairs, at 256-450-1599 or by email at lrdi.info@mda.mil. Downloadable electronic versions of the Final EIS and ROD are available on MDA's website at <https://www.mda.mil/system/lrdi>.

SUPPLEMENTARY INFORMATION: This ROD documents the following:

- The decision;
- The alternatives considered in reaching the decision and the alternative considered to be environmentally preferable;
- Relevant factors that were considered among the alternatives and how those factors entered into the decision; and
- Whether all practicable means to avoid or minimize environmental impacts resulting from the selected alternative have been adopted, and if not, why they were not.

A. MDA and DAF Decision

The MDA and the DAF are issuing this ROD, selecting the Proposed Action as described in the LRDR CAFS EIS to operate the LRDR on a continuous basis. The operational concept would change from the initial concept to maintain the LRDR in a readiness posture with limited operations and no additional airspace restrictions. The change in LRDR operations will create a hazard in areas of the National Airspace System where high-intensity radiated fields (HIRF) will exceed Federal Aviation Administration (FAA) certification standards for aircraft electrical and electronic systems. Therefore, the DAF, on behalf of the MDA, requested the FAA to expand the existing restricted airspace at CAFS, as described in the LRDR CAFS Final EIS, to address this hazard.

B. FAA Role

The FAA is a cooperating agency on the LRDR CAFS EIS because it has special expertise and jurisdiction by law, pursuant to 49 U.S. Code (U.S.C.)

§ 40101 *et seq.*, for aviation and regulation of air commerce in the interests of aviation safety and efficiency. The MDA will request the FAA, as a cooperating agency, to consider and adopt, in whole or in part, the Final EIS as the required National Environmental Policy Act (NEPA) documentation to support FAA decisions on the establishment of Restricted Areas. The airspace associated with the Proposed Action and alternative lies within the jurisdiction of the FAA Anchorage Air Route Traffic Control Center.

FAA proposes to establish six new restricted areas and make related changes in airspace management. FAA will issue a separate ROD addressing its actions related to restricting the flight of aircraft.

C. Background

Within the DoD, MDA is responsible for developing, testing, and fielding an integrated, layered MDS to defend the U.S. and its deployed forces, allies, and friends against all ranges of enemy missile threats in all phases of flight. The layered MDS is a defensive system consisting of land-, sea-, space-, and air-based weapon, sensor, communications, and command and control elements that are used to detect and defeat incoming missile threats. As part of the layered MDS, the LRDR will be the lead sensor in a new class of radars optimized to identify threat objects in complex, dense target environments, and to enhance efficient deployment of MDS weapons to intercept such threats.

In response to the congressional mandate to deploy the LRDR, MDA completed a siting analysis that selected CAFS out of 50 candidate Department of Defense installations in Alaska. In June 2016, MDA and DAF prepared an Environmental Assessment (EA) to evaluate the potential environmental impacts associated with the construction and operation of the LRDR at CAFS. The 2016 EA resulted in a Finding of No Significant Impact (FONSI), and construction of the LRDR began in July 2017. The operational concept for the LRDR analyzed in the 2016 EA and FONSI was to maintain the LRDR in a readiness posture. Since that time, due to emerging threats, MDA identified a need to modify the LRDR operational requirements and procedures to reflect continuous operations.

D. NEPA Process

The LRDR CAFS EIS complies with NEPA, as amended; the Council on Environmental Quality Regulations for implementing NEPA; and agency-

specific NEPA-implementing policies and procedures for the MDA, DAF, and FAA.¹

The MDA initiated a 45-day formal scoping period by publishing a Notice of Intent to prepare an EIS in the **Federal Register** on May 17, 2019. The MDA held public scoping meetings in Anchorage, Fairbanks, and Anderson, Alaska. Forty-two formal comments were received during the scoping comment period. The scoping comments focused primarily on aviation navigational safety; added flight times and expense; human safety; and potential impacts on private airstrips, Clear Airport, and the U.S. Air Force Auxiliary Civil Air Patrol Alaska Wing Glider Academy (CAP Glider Academy) for youth. These topics were addressed in the Draft EIS.

The Notice of Availability (NOA) for the LRDR CAFS Draft EIS was published in the **Federal Register** on October 28, 2020, announcing a 52-day comment period beginning October 30, 2020. During this time, public comment meetings were held virtually and consisted of an online open house and a telephone public meeting. The MDA received comments on the Draft EIS from 10 parties, which included individuals, agencies, and organizations. Commenters requested changes to the proposed Restricted Areas, more information about communication methods for Restricted Areas are activated at unscheduled times, and mitigation for climate change and air quality impacts. The comments were taken into consideration during preparation of the Final EIS. The NOA for the LRDR CAFS Final EIS was published in the **Federal Register** on May 7, 2021 (86 FR 24599-24600). This ROD is the culmination of the NEPA process.

E. Alternatives Considered

1. Proposed Action—Continuous LRDR Operation and FAA Actions

The Proposed Action consists of both MDA and FAA actions. Due to emerging threats, the MDA proposes to modify the LRDR operational requirements and procedures to reflect continuous operations. The operational concept would change from the initial concept to maintain the LRDR in a readiness posture with limited operations and no additional airspace restrictions. Because of the proposed changes to LRDR

¹ Note: This EIS was ongoing prior to the 14 September 2020 effective date of the Council on Environmental Quality's (CEQ's) final rule updating its regulations for implementing the procedural provisions of NEPA. Accordingly, the revised CEQ regulations were not used for this action pursuant to 40 Code of Federal Regulations § 1506.13.

operations, airspace restrictions at CAFS are necessary to ensure that aircraft would not encounter HIRF resulting from the LRDR operations that exceed FAA's HIRF certification standards for aircraft electrical and electronic systems. The proposed airspace restrictions include expanding the existing Restricted Area (R-2206) at CAFS by adding six new Restricted Areas. If necessary, the FAA would implement temporary flight restrictions (TFRs) until those Restricted Areas are in effect. The FAA also proposes changes to federal airways and instrument flight procedures to accommodate the new Restricted Areas.

2. No Action Alternative

Under the No Action Alternative, the MDA would operate the LRDR in a manner that would contain HIRF within the existing R-2206 such that the FAA would not need to take new actions to limit aircraft flight.

3. Two-Tier Alternative

Under the two-tier alternative, the existing R-2206 would be expanded with two new Restricted Areas. The two-tier alternative was presented during the scoping process but was eliminated from further analysis.

F. Environmental Impacts

The LRDR CAFS EIS analyzed the impacts of the Proposed Action and No Action Alternative within 14 environmental categories: Airspace management; air quality; biological resources; climate; hazardous materials, solid waste, and pollution prevention; historical, architectural, archaeological, and cultural resources; land use; natural resources and energy supply; noise and compatible land use; safety; socioeconomic and environmental justice; subsistence; visual effects; and water resources. The potential for cumulative impacts was also evaluated in the EIS.

Under the No Action Alternative, the MDA would operate the LRDR in such a way that would contain HIRF within the existing R-2206, except during a national security crisis. No new actions would be taken to limit use of affected airspace, with the exception of temporary measures during a national security crisis. The No Action Alternative would not result in any new impacts associated with the environmental categories. However, the LRDR would not meet current operational requirements for the MDS and would not have the ability to adapt to rapidly evolving adversary tactics and technologies.

MDA's proposed change in LRDR operations would have no impact or negligible adverse impacts on all of the environmental categories except airspace management, which would have negligible to minor adverse impacts. The change to continuous LRDR operations would create a hazard in areas of the National Airspace System where the HIRF would exceed FAA certification standards for aircraft electrical and electronic systems, necessitating the FAA to take actions to restrict the flight of aircraft in this airspace.

The proposed changes related to restricting the flight of aircraft would have no impact or negligible adverse impacts on all environmental categories except airspace management and socioeconomic, which would have minor adverse impacts. Although overall adverse impacts on socioeconomic would be negligible to minor, relocation of the CAP Glider Academy from Clear Airport to another airport would result in moderate adverse impacts, based on currently available information and conservative assumptions.

The following is a brief summary of the Proposed Action's impacts on airspace management and socioeconomic.

1. Airspace Management

The primary impact of MDA's continuous operation of the LRDR would be to increase the airspace at CAFS where the HIRF would exceed FAA certification standards for aircraft electrical and electronic systems. To address this hazard, the FAA would expand the existing Restricted Area (R-2206) by adding six new Restricted Areas (R-2206B through R-2206G) to create a total of seven Restricted Areas at CAFS. Four of the Restricted Areas would be active continuously. The remaining three (R-2206D, R-2206E, and R-2206F) would be active only from 2:00 a.m. to 4:00 a.m. local Alaska time every Tuesday, Thursday, and Saturday; at other prescheduled times by Notice to Airmen; and as necessary in response to national security events.

Based on current air traffic and accounting for growth of aviation activity, the FAA estimates up to five daily (1,825 annual) instrument flight rule (IFR) flights would be affected by the proposed Restricted Areas. Those five flights are calculated from accumulated daily activity across the following: Airway J-125, airway V-436, and direct flights that depart Anchorage headed toward Deadhorse, Alaska. Up to an estimated 10 daily (3,650 annual) visual flight rule (VFR) flights would be

affected. If TFRs are necessary before Restricted Areas are in effect, the affected IFR flights would be rerouted by air traffic control, VFR aircraft would detour to avoid the TFRs, some instrument flight procedures would not be available, and air traffic control would need to manually direct the affected IFR flights. Once the amended procedures and redesigned airways are established, air traffic control would cease to manually direct IFR flights through the area. Some flight paths would be longer, resulting in slight increases in flight times and operation costs as well as slight increases in air emissions and fuel use.

The lowest floor of the proposed Restricted Areas would be 400 feet above ground level (AGL) (1,000 feet mean sea level at CAFS). VFR aircraft would be able and allowed to fly beneath the proposed Restricted Areas, although aircraft are allowed to fly below 500 feet AGL only if taking off or landing. The six privately owned airstrips beneath the proposed Restricted Areas would remain accessible. Pilots would still be able to use Windy Pass for transiting between Interior Alaska and Southcentral Alaska. Additionally, except for the periods during which R-2206D, R-2206E, and R-2206F would be active, aircraft would be able to navigate along Parks Highway, which is used as a visual navigation aid, as long as they stay below an altitude of 2,600 feet AGL (3,200 feet mean sea level) within 0.5 nautical mile of the highway.

Access to Clear Airport would normally be unavailable from the north and west during the times when R-2206D, R-2206E, and R-2206F are active. While prescheduled restrictions would be unlikely to affect users, provisions would be in place to allow emergency aircraft and medical evacuation flights, as well as aircraft in emergency circumstances, into and out of Clear Airport during these times. The MDA is also working with the DoD, FAA, and DAF to identify appropriate notification procedures to alert aircraft when Restricted Areas are activated outside of prescheduled periods, including methods of rapidly notifying pilots of changes in Restricted Area status. Potential notification options being considered include a combination of radio broadcast on a common traffic advisory frequency and high-intensity warning lights. This notification process would be addressed in a Letter of Procedure.

2. Socioeconomics

FAA's actions related to restricting the flight of aircraft would result in

slightly increased flight times, which would result in increased costs to aircraft operators both during the interim phase, if necessary, and once the redesigned airways are established. These economic impacts would be spread across the entire potentially affected aviation industry in Alaska. FAA's actions would not affect the provision of public services associated with aviation in the study area communities.

The CAP Glider Academy could no longer conduct its glider instruction at Clear Airport due to the proposed Restricted Areas and would have to relocate to another airport such as Ladd Army Airfield or Fort Greely. The impacts of relocation would be minimized if the Civil Air Patrol is able to negotiate a long-term arrangement for operation of the Glider Academy that provides participants with no-cost lodging or camping options and discounted meal service. Arrangements for relocating the CAP Glider Academy have not been completed, and costs associated with the new location are not known.

G. Mitigation Measures and Monitoring

Since development of the initial concept for expanding the restricted airspace at CAFS, as described in the LRDR CAFS Final EIS, the design of the proposed Restricted Areas has been refined to further minimize impacts on the aviation community based on feedback from pilot associations, public safety organizations and first responders, and airspace user groups. The MDA did not identify any significant environmental impacts arising from the Proposed Action and, therefore, is not identifying specific mitigation measures. All practicable means to mitigate impacts associated with the decision have been considered.

H. Environmentally Preferred Alternative

Based on the findings of the EIS, the No Action Alternative would be the environmentally preferred alternative because the existing Restricted Area at CAFS would not need to be expanded. The operations at Clear Airport would not be affected, and FAA's proposed modifications to federal airways and instrument flight procedures would not be necessary. However, the LRDR would not meet current operational requirements for the layered MDS and would not have the ability to adapt to rapidly evolving adversary tactics and technologies, nor would it satisfy the purpose or need for the Proposed Action.

I. Decision

In accordance with NEPA, we have considered the information contained within the LRDR CAFS EIS, comments from the public, input from regulatory agencies, LRDR system capabilities, the analysis of the missile threat to the U.S., layered MDS performance and operational effectiveness, and other relevant factors in deciding whether to operate the LRDR continuously at CAFS.

We have decided to select the Proposed Action over the No Action Alternative. Although the No Action Alternative would have fewer environmental impacts, it would not fully support the primary mission of the layered MDS to provide continuous and precise tracking and discrimination of missile threats launched against the U.S. The LRDR would not meet current operational requirements for the MDS and would not have the ability to adapt to rapidly evolving adversary tactics and technologies.

Dated: June 11, 2021.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2021-13406 Filed 6-23-21; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD-2021-OS-0026]

Proposed Collection; Comment Request; Correction

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense (DoD).

ACTION: Information collection notice; correction.

SUMMARY: On April 26, 2021, the DoD published a document that provided notice of a proposed public information collection titled Workplace and Gender Relations Survey of DoD Civilians; OMB Control Number 0704-WGRC. Subsequent to publication of the notice, DoD is making a correction to the contact information listed in the **FOR FURTHER INFORMATION CONTACT** section. An incorrect telephone number was listed. The correct telephone number is 831-236-9631.

DATES: This correction will be effective on June 24, 2021.

FOR FURTHER INFORMATION CONTACT: Patricia Toppings, 571-372-0485.

SUPPLEMENTARY INFORMATION: On April 26, 2021 (86 FR 22036-22037), the DoD published the information collection

notice cited in the **SUMMARY** section with an incorrect telephone number. Subsequent to publication of the notice, DoD is correcting the telephone number. The correct telephone number is 831-236-9631. All other information in the notice of April 26, 2021 remains the same.

Dated: June 16, 2021.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2021-13480 Filed 6-23-21; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF EDUCATION

[Docket No.: ED-2021-SCC-0093]

Agency Information Collection Activities; Comment Request; Higher Education Emergency Relief Fund (HEERF) I, II and III Data Collection Form

AGENCY: Office of Postsecondary Education (OPE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a revision of a currently approved collection.

DATES: Interested persons are invited to submit comments on or before August 23, 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-0093. 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](http://www.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 6W208D, Washington, DC 20202-8240.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Karen Epps, (202) 377-3711.

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: Higher Education Emergency Relief Fund (HEERF) I, II and III Data Collection Form.

OMB Control Number: 1840-0850.

Type of Review: A revision of a currently approved collection.

Respondents/Affected Public: State, Local, and Tribal Governments; Private Sector.

Total Estimated Number of Annual Responses: 4,879.

Total Estimated Number of Annual Burden Hours: 58,548.

Abstract: This information collection requests approval for a revision to a previously approved collection that includes annual reporting requirements for the Higher Education Emergency Relief Fund (HEERF) program and obtains information on how the funds were used. Under the current unprecedented national health emergency, the legislative and executive branches of government have come together to offer relief to those individuals and industries affected by the COVID-19 virus under the Coronavirus Aid, Relief, and Economic

Security (CARES) Act, the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA), and the American Rescue Plan (ARP). Targeted relief to institutions of higher education (IHEs) has been made available under the HEERF program. HEERF, originally established by Section 18004(a) of the CARES Act, Public Law 116-136 (March 27, 2020) and expanded through CRRSAA and ARP, authorizes the Secretary of Education to allocate formula grant funds to participating IHEs to address impacts of the COVID-19 virus. This submission includes revisions to the HEERF data collection. In addition to reviewing the proposed revisions, ED requests institutions and other stakeholders respond to the directed questions found in Attachment A.

Dated: June 17, 2021.

Stephanie Valentine,

PRA Coordinator, Strategic Collections and Clearance Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2021-13232 Filed 6-23-21; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

[Docket No.: ED-2021-SCC-0092]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; National Assessment of Educational Progress (NAEP) 2022 Materials Update #1

AGENCY: Institute of Educational Science (IES), National Center for Education Statistics (NCES), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a revision of a currently approved information collection.

DATES: Interested persons are invited to submit comments on or before July 26, 2021.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this information collection request by selecting "Department of Education" under "Currently Under Review," then check "Only Show ICR for Public Comment" checkbox. Comments may also be sent to ICDocketmgr@ed.gov.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Carrie Clarady, 202-245-6347.

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: National Assessment of Educational Progress (NAEP) 2022 Materials Update #1.

OMB Control Number: 1850-0928.

Type of Review: A revision of a currently approved information collection.

Respondents/Affected Public: Individuals and Households.

Total Estimated Number of Annual Responses: 689,477.

Total Estimated Number of Annual Burden Hours: 422,443.

Abstract: The National Assessment of Educational Progress (NAEP), conducted by the National Center for Education Statistics (NCES), is a federally authorized survey of student achievement at grades 4, 8, and 12 in various subject areas, such as mathematics, reading, writing, science, U.S. history, civics, geography, economics, technology and engineering literacy (TEL), and the arts. The National Assessment of Educational Progress Authorization Act (Pub. L. 107-279 Title III, section 303) requires the assessment to collect data on

specified student groups and characteristics, including information organized by race/ethnicity, gender, socio-economic status, disability, and limited English proficiency. It requires fair and accurate presentation of achievement data and permits the collection of background, noncognitive, or descriptive information that is related to academic achievement and aids in fair reporting of results. The intent of the law is to provide representative sample data on student achievement for the nation, the states, and subpopulations of students and to monitor progress over time. NAEP consists of two assessment programs: The NAEP long-term trend (LTT) assessment and the main NAEP assessment. The LTT assessments are given at the national level only and are administered to students at ages 9, 13, and 17 in a manner that is very different from that used for the main NAEP assessments. LTT reports mathematics and reading results that present trend data since the 1970s.

The request to conduct NAEP 2021, including operational assessments and pilot tests: Operational national/state/TUDA Digitally Based Assessments (DBA) in mathematics and reading at grades 4 and 8, and Puerto Rico in mathematics at grades 4 and 8; and operational national DBA in U.S. history and civics at grade 8 was approved in April 2020, with further updates to the materials approved in July and November 2020. Throughout 2020 NCES worked with its contractors and with OMB to find the best way to plan for a data collection in schools in 2021, and as the coronavirus pandemic progressed over the course of the year, plans for NAEP 2020 data collection changed multiple times. In November 2020, the NCES Commissioner announced the delay of NAEP 2021 by one year to early 2022.

Since then, NAEP has continued to work to salvage any pieces of their data collection plans for 2021 and begin planning for NAEP 2022. NCES has used the drawn and notified sample from 2021 for two data collections that don't include the student assessment that is central to the NAEP program, instead using that sample to collect information about basic school operations during the coronavirus pandemic (NAEP 2021 School Survey; OMB# 1850-0957) and a planned data collection seeking more detail about the experiences of teachers and school staff over the 2019-2020 and 2020-2021 school years (NAEP 2021 School and Teacher Questionnaire Special Study; OMB# 1850-0956).

The request to conduct NAEP operational assessments in 2022, which will follow the traditional NAEP design which assesses each student in 60-minutes for one cognitive subject, was approved in May 2021. The 2022 data collection will consist of operational national/state/TUDA DBA in mathematics and reading at grades 4 and 8, and Puerto Rico in mathematics at grades 4 and 8; and operational national DBA in U.S. history and civics at grade 8. In addition to the regular NAEP operational assessments delayed from 2021, this submission also contains materials for the LTT, which will be administered for at least one age group in 2022. This package is the first of two that are being submitted to update materials. An additional 30-day package will be submitted in August 2021 in order to finalize all materials in time for the data collection in early 2022.

Dated: June 15, 2021.

Stephanie Valentine,

PRA Coordinator, Strategic Collections and Clearance Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2021-13318 Filed 6-23-21; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

2021-2022 Award Year Deadline Dates for Reports and Other Records Associated With the Free Application for Federal Student Aid (FAFSA), the Federal Supplemental Educational Opportunity Grant Program (FSEOG) Program, the Federal Work-Study (FWS) Program, the Federal Pell Grant (Pell Grant) Program, the William D. Ford Federal Direct Loan (Direct Loan) Program, the Teacher Education Assistance for College and Higher Education (TEACH) Grant Program, and the Iraq and Afghanistan Service Grant Program

AGENCY: Federal Student Aid, Department of Education.

ACTION: Notice.

SUMMARY: The Secretary announces deadline dates for the receipt of documents and other information from applicants and institutions participating in certain Federal student aid programs authorized under title IV of the Higher Education Act of 1965, as amended (HEA), for the 2021-2022 award year. These programs, administered by the Department of Education (Department), provide financial assistance to students attending eligible postsecondary

educational institutions to help them pay their educational costs. The Federal student aid programs (title IV, HEA programs) covered by this deadline date notice are the Pell Grant, Direct Loan, TEACH Grant, Iraq and Afghanistan Service Grant, and campus-based (FSEOG and FWS) programs.

Assistance Listing Numbers: 84.007 FSEOG Program; 84.033 FWS Program; 84.063 Pell Grant Program; 84.268 Direct Loan Program; 84.379 TEACH Grant Program; 84.408 Iraq and Afghanistan Service Grant Program.

DATES: *Deadline and Submission Dates:* See Tables A and B at the end of this notice.

FOR FURTHER INFORMATION CONTACT:

Michael Ruggless, U.S. Department of Education, Federal Student Aid, 830 First Street NE, Union Center Plaza, Room 114B4, Washington, DC 20202-5345. Telephone: (202) 377-4098. Email: michael.ruggless@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:

Table A—2021-2022 Award Year Deadline Dates by Which a Student Must Submit the FAFSA, by Which the Institution Must Receive the Student's Institutional Student Information Record (ISIR) or Student Aid Report (SAR), and by Which the Institution Must Submit Verification Outcomes for Certain Students.

Table A provides information and deadline dates for receipt of the FAFSA, corrections to and signatures for the FAFSA, ISIRs, and SARs, and verification documents.

The deadline date for the receipt of a FAFSA by the Department's Central Processing System is June 30, 2022, regardless of the method that the applicant uses to submit the FAFSA. The deadline date for the receipt of a signature page for the FAFSA (if required), corrections, notices of change of address or institution, or requests for a duplicate SAR is September 10, 2022.

For all title IV, HEA programs, an ISIR or SAR for the student must be received by the institution no later than the student's last date of enrollment for the 2021-2022 award year or September 17, 2022, whichever is earlier. Note that a FAFSA must be submitted and an ISIR or SAR received for the dependent student for whom a parent is applying for a Direct PLUS Loan.

Except for students selected for Verification Tracking Groups V4 and V5, verification documents must be received by the institution no later than 120 days after the student's last date of

enrollment for the 2021–2022 award year or September 17, 2022, whichever is earlier. For students selected for Verification Tracking Groups V4 and V5, institutions must submit identity and high school completion status verification results no later than 60 days following the institution's first request to the student to submit the documentation.

For all title IV, HEA programs except for (1) Direct PLUS Loans that will be made to parent borrowers, and (2) Direct Unsubsidized Loans that will be made to dependent students who have been determined by the institution, pursuant to section 479A(a) of the HEA, to be eligible for such a loan without providing parental information on the FAFSA, the ISIR or SAR must have an official expected family contribution (EFC) and the ISIR or SAR must be received by the institution no later than the earlier of the student's last date of enrollment for the 2021–2022 award year or September 17, 2022. For the two exceptions mentioned above, the ISIR or SAR must be received by the institution by the same dates noted in this paragraph but the ISIR or SAR is not required to have an official EFC.

For a student who is requesting aid through the Pell Grant, FSEOG, or FWS programs or for a student requesting Direct Subsidized Loans, who does not meet the conditions for a late disbursement under 34 CFR 668.164(j), a valid ISIR or valid SAR must be received by the institution by the student's last date of enrollment for the 2021–2022 award year or September 17, 2022, whichever is earlier.

In accordance with 34 CFR 668.164(j)(4)(i), an institution may not make a late disbursement of title IV, HEA program funds later than 180 days after the date of the institution's determination that the student was no longer enrolled. Table A provides that, to make a late disbursement of title IV, HEA program funds, an institution must receive a valid ISIR or valid SAR no later than 180 days after its determination that the student was no longer enrolled, but not later than September 17, 2022.

Table B—2021–2022 Award Year Deadline Dates By Which an Institution Must Submit Disbursement Information For the Pell Grant, Iraq and Afghanistan Service Grant, Direct Loan and TEACH Grant Programs.

For the Pell Grant, Iraq and Afghanistan Service Grant, Direct Loan, and TEACH Grant programs, Table B provides the earliest disbursement date, the earliest dates for institutions to submit disbursement records to the Department's Common Origination and Disbursement (COD) System, and

deadline dates by which institutions must submit disbursement and origination records.

An institution must submit Pell Grant, Iraq and Afghanistan Service Grant, Direct Loan, and TEACH Grant disbursement records to COD, no later than 15 days after making the disbursement or becoming aware of the need to adjust a previously reported disbursement. In accordance with 34 CFR 668.164(a), title IV, HEA program funds are disbursed on the date that the institution: (a) Credits those funds to a student's account in the institution's general ledger or any subledger of the general ledger; or (b) pays those funds to a student directly. Title IV, HEA program funds are disbursed even if an institution uses its own funds in advance of receiving program funds from the Department.

An institution's failure to submit disbursement records within the required timeframe may result in the Department rejecting all or part of the reported disbursement. Such failure may also result in an audit or program review finding or the initiation of an adverse action, such as a fine or other penalty for such failure, in accordance with subpart G of the General Provisions regulations in 34 CFR part 668.

Deadline Dates for Enrollment Reporting by Institutions.

In accordance with 34 CFR 674.19(f), 682.610(c), 685.309(b), and 690.83(b)(2), upon receipt of an enrollment report from the Secretary, institutions must update all information included in the report and return the report to the Secretary in a manner and format prescribed by the Secretary and within the timeframe prescribed by the Secretary. Consistent with the *National Student Loan Data System (NSLDS) Enrollment Reporting Guide*, the Secretary has determined that institutions must report at least every two months. Institutions may find the *NSLDS Enrollment Reporting Guide* in the "Knowledge Center" via Federal Student Aid's (FSA) Partner Connect website at: <https://fsapartners.ed.gov/knowledge-center>.

Other Sources for Detailed Information

We publish a detailed discussion of the FAFSA application process in the *Application and Verification Guide* volume of the 2021–2022 *Federal Student Aid Handbook* and in the 2021–2022 *ISIR Guide*.

Information on the institutional reporting requirements for the Pell Grant, Iraq and Afghanistan Service Grant, Direct Loan, and TEACH Grant programs is included in the 2021–2022 *Common Origination and Disbursement*

(COD) *Technical Reference*. Also, see the *NSLDS Enrollment Reporting Guide*.

You may access these publications by visiting the "Knowledge Center" via FSA's Partner Connect website at: <https://fsapartners.ed.gov/knowledge-center>.

Additionally, the 2021–2022 award year reporting deadline dates for the Federal Perkins Loan, FWS, and FSEOG programs were published in the **Federal Register** on January 26, 2021 (86 FR 7075).

Applicable Regulations: The following regulations apply:

- (1) Student Assistance General Provisions, 34 CFR part 668.
- (2) Federal Pell Grant Program, 34 CFR part 690.
- (3) William D. Ford Direct Loan Program, 34 CFR part 685.
- (4) Teacher Education Assistance for College and Higher Education Grant Program, 34 CFR part 686.
- (5) Federal Work-Study Programs, 34 CFR part 675.
- (6) Federal Supplemental Education Opportunity Grant Program, 34 CFR part 676.

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 the Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at www.federalregister.gov. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Program Authority: 20 U.S.C. 1070a, 1070b–1070b–4, 1070g, 1070h, 1087a–1087j, 1087aa–1087ii, and 1087–51–1087–58.

Dated: June 21, 2021.

Richard Cordray,
Chief Operating Officer, Federal Student Aid.

TABLE A—2021–2022 AWARD YEAR DEADLINE DATES BY WHICH A STUDENT MUST SUBMIT THE FAFSA, BY WHICH THE INSTITUTION MUST RECEIVE THE STUDENT’S INSTITUTIONAL STUDENT INFORMATION RECORD (ISIR) OR STUDENT AID REPORT (SAR), AND BY WHICH THE INSTITUTION MUST SUBMIT VERIFICATION OUTCOMES FOR CERTAIN STUDENTS

Who submits?	What is submitted?	Where is it submitted?	What is the deadline date for receipt?
Student	FAFSA— <i>fafsa.gov</i> or MyStudentAid mobile application (original or renewal). Signature page (if required)	Electronically to the Department’s Central Processing System (CPS). To the address printed on the signature page.	June 30, 2022. September 10, 2022.
Student through an Institution	An electronic FAFSA (original or renewal).	Electronically to the Department’s CPS using “Electronic Data Exchange” (EDE) or “FAA Access to CPS Online”.	June 30, 2022 ¹ .
Student	A paper original FAFSA	To the address printed on the FAFSA ..	June 30, 2022.
Student	Electronic corrections to the FAFSA using <i>fafsa.gov</i> . Signature page (if required)	Electronically to the Department’s CPS To the address printed on the signature page.	September 10, 2022 ¹ . September 10, 2022.
Student through an Institution	Electronic corrections to the FAFSA	Electronically to the Department’s CPS using EDE or “FAA Access to CPS Online”.	September 10, 2022 ¹ .
Student	Paper corrections to the FAFSA using a SAR, including change of mailing and email addresses and change of institutions.	To the address printed on the SAR	September 10, 2022.
Student	Change of mailing and email addresses, change of institutions, or requests for a duplicate SAR.	To the Federal Student Aid Information Center by calling 1–800–433–3243.	September 10, 2022.
Student	A SAR with an official EFC calculated by the Department’s CPS, except for Parent PLUS Loans and Direct Unsubsidized Loans made to a dependent student under HEA section 479A(a), for which the SAR does not need to have an official EFC.	To the institution	The earlier of: —The student’s last date of enrollment for the 2021–2022 award year; or —September 17, 2022 ² .
Student through CPS	An ISIR with an official EFC calculated by the Department’s CPS, except for Parent PLUS Loans and Direct Unsubsidized Loans made to a dependent student under HEA section 479A(a), for which the ISIR does not need to have an official EFC.	To the institution from the Department’s CPS.	
Student	Valid SAR (Pell Grant, FSEOG, FWS, and Direct Subsidized Loans).	To the institution	Except for a student meeting the conditions for a late disbursement under 34 CFR 668.164(j), the earlier of: —The student’s last date of enrollment for the 2021–2022 award year; or —September 17, 2022 ² .
Student through CPS	Valid ISIR (Pell Grant, FSEOG, FWS, and Direct Subsidized Loans).	To the institution from the Department’s CPS.	
Student	Valid SAR (Pell Grant, FSEOG, FWS, and Direct Subsidized Loans).	To the institution	For a student receiving a late disbursement under 34 CFR 668.164(j)(4)(i), the earlier of: —180 days after the date of the institution’s determination that the student withdrew or otherwise became ineligible; or —September 17, 2022 ² .
Student through CPS	Valid ISIR (Pell Grant, FSEOG, FWS, and Direct Subsidized Loans).	To the institution from the Department’s CPS.	
Student	Verification documents	To the institution	The earlier of: ³ —120 days after the student’s last date of enrollment for the 2021–2022 award year; or —September 17, 2022 ² .
Institution	Identity and high school completion verification results for a student selected for verification by the Department and placed in Verification Tracking Group V4 or V5.	Electronically to the Department’s CPS using “FAA Access to CPS Online”.	60 days following the institution’s first request to the student to submit the required V4 or V5 identity and high school completion documentation ⁴ .

¹ The deadline for electronic transactions is 11:59 p.m. (Central Time) on the deadline date. Transmissions must be completed and accepted before 12:00 midnight to meet the deadline. If transmissions are started before 12:00 midnight but are not completed until after 12:00 midnight, those transmissions do not meet the deadline. In addition, any transmission submitted on or just prior to the deadline date that is rejected may not be reprocessed because the deadline will have passed by the time the user gets the information notifying him or her of the rejection.

² The date the ISIR/SAR transaction was processed by CPS is considered to be the date the institution received the ISIR or SAR regardless of whether the institution has downloaded the ISIR from its Student Aid Internet Gateway (SAIG) mailbox or when the student submits the SAR to the institution.

³ Although the Secretary has set this deadline date for the submission of verification documents, if corrections are required, deadline dates for submission of paper or electronic corrections and, for Pell Grant applicants and applicants selected for verification, deadline dates for the submission of a valid SAR or valid ISIR to the institution must still be met. An institution may establish an earlier deadline for the submission of verification documents for purposes of the campus-based programs and the Direct Loan Program, but it cannot be later than this deadline date.

⁴ Note that changes to previously submitted Identity Verification Results must be updated within 30 days of the institution becoming aware that a change has occurred.

TABLE B—2021–2022 AWARD YEAR DEADLINE DATES BY WHICH AN INSTITUTION MUST SUBMIT DISBURSEMENT INFORMATION FOR THE PELL GRANT, IRAQ AND AFGHANISTAN SERVICE GRANT, DIRECT LOAN AND TEACH GRANT PROGRAMS¹

Which program?	What is submitted?	Under what circumstances is it submitted?	Where is it submitted?	What are the deadlines for disbursement and for submission of records and information?
Pell Grant, Direct Loan, TEACH Grant, and Iraq and Afghanistan Service Grant programs.	An origination or disbursement record.	The institution has made or intends to make a disbursement..	To the Common Origination and Disbursement (COD) System using the Student Aid Internet Gateway (SAIG); or to the COD System using the COD website at: https://cod.ed.gov .	The earliest disbursement date for Pell Grant, Iraq and Afghanistan Service Grant Programs is January 22, 2021. The earliest disbursement date for Direct Loan Program is October 1, 2020. The earliest disbursement date for TEACH Grant Program is January 1, 2021. The earliest submission date for anticipated disbursement information is March 22, 2021. The earliest submission date for actual disbursement information is March 22, 2021, but no earlier than: (a) 7 calendar days prior to the disbursement date under the advance payment method or the Heightened Cash Monitoring Payment Method 1 (HCM1); or (b) The disbursement date under the reimbursement or the Heightened Cash Monitoring Payment Method 2 (HCM2).
Pell Grant, Iraq and Afghanistan Service Grant, and TEACH Grant programs.	An origination or disbursement record.	The institution has made a disbursement and will submit records on or before the deadline submission date..	To COD using SAIG; or to COD using the COD website at: https://cod.ed.gov .	The deadline submission date ² is the earlier of: (a) 15 calendar days after the institution makes a disbursement or becomes aware of the need to make an adjustment to previously reported disbursement data, except that records for disbursements made between January 22, 2021 and March 22, 2021 must be submitted no later than April 6, 2021; or (b) September 30, 2022.
Direct Loan Program	An origination or disbursement record.	The institution has made a disbursement and will submit records on or before the deadline submission date..	To COD using SAIG; or to COD using the COD website at: https://cod.ed.gov .	The deadline submission date ² is the earlier of: (a) 15 calendar days after the institution makes a disbursement or becomes aware of the need to make an adjustment to previously reported disbursement data, except that records of disbursements made between October 1, 2020 and April 26, 2021, may be submitted no later than May 11, 2021; or (b) July 31, 2023.
Pell Grant and Iraq and Afghanistan Service Grant programs. Pell Grant and Iraq and Afghanistan Service Grant programs.	A downward (decrease) adjustment to an origination or disbursement record. An upward (increase) adjustment to an origination or disbursement record.	It is after the deadline submission date.. It is after the deadline submission date and the institution has received approval of its request for an extension to the deadline submission date.. Requests for extensions to the established submission deadlines may be made for reasons including, but not limited to:.	To COD using SAIG; or to COD using the COD website at: https://cod.ed.gov . Via the COD website at: https://cod.ed.gov .	No later than September 30, 2027. ² The earlier of: (a) When the institution is fully reconciled and is ready to submit all additional data for the program and the award year; or (b) September 30, 2027.

TABLE B—2021–2022 AWARD YEAR DEADLINE DATES BY WHICH AN INSTITUTION MUST SUBMIT DISBURSEMENT INFORMATION FOR THE PELL GRANT, IRAQ AND AFGHANISTAN SERVICE GRANT, DIRECT LOAN AND TEACH GRANT PROGRAMS¹—Continued

Which program?	What is submitted?	Under what circumstances is it submitted?	Where is it submitted?	What are the deadlines for disbursement and for submission of records and information?
TEACH Grant and Direct Loan programs.	An origination or disbursement record.	(a) A program review or initial audit finding under 34 CFR 690.83;. (b) A late disbursement under 34 CFR 668.164(j); or. (c) Disbursements previously blocked as a result of another institution failing to post a downward adjustment..	.....	When the institution is fully reconciled and is ready to submit all additional data for the program and the award year.
Pell Grant and Iraq and Afghanistan Service Grant programs.	An origination or disbursement record.	It is after the deadline submission date and the institution has received approval of its request for an extension to the deadline submission date based on a natural disaster, other unusual circumstances, or an administrative error made by the Department..	Via the COD website at: https://cod.ed.gov .	The earlier of: (a) A date designated by the Secretary after consultation with the institution; or (b) February 1, 2023.
Pell Grant and Iraq and Afghanistan Service Grant programs.	An origination or disbursement record.	It is after the deadline submission date and the institution has received approval of its request for administrative relief to extend the deadline submission date based on a student's reentry to the institution within 180 days after initially withdrawing. ³ .	Via the COD website at: https://cod.ed.gov .	The earlier of: (a) 15 days after the student reenrolls; or (b) May 2, 2023.

¹ A COD Processing Year is a period of time in which institutions are permitted to submit Direct Loan records to the COD System that are related to a given award year. For a Direct Loan, the period of time includes loans that have a loan period covering any day in the 2021–2022 award year.

² Transmissions must be completed and accepted before the designated processing time on the deadline submission date. The designated processing time is published annually via an electronic announcement posted to the Knowledge Center via FSA's Partner Connect website at: (<https://fsapartners.ed.gov/home>). If transmissions are started at the designated time, but are not completed until after the designated time, those transmissions will not meet the deadline. In addition, any transmission submitted on or just prior to the deadline date that is rejected may not be reprocessed because the deadline will have passed by the time the user gets the information notifying him or her of the rejection.

³ Applies only to students enrolled in clock-hour and nonterm credit-hour educational programs.

Note: The COD System must accept origination data for a student from an institution before it accepts disbursement information from the institution for that student. Institutions may submit origination and disbursement data for a student in the same transmission. However, if the origination data is rejected, the disbursement data is rejected.

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BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for Selection as a Performance Partnership Pilot; Performance Partnership Pilots for Disconnected Youth

AGENCY: Office of Career, Technical, and Adult Education, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education (ED or Department) is issuing a notice inviting applications for selection as a performance partnership pilot for fiscal year (FY) 2021 under the Performance Partnership Pilots for Disconnected Youth (P3) authority. This notice relates to the approved information collection under OMB control number 1830–0575.

DATES:

Deadline for Transmittal of Applications: August 23, 2021.

Deadline for Intergovernmental Review: October 22, 2021.

Deadline for Requests for Technical Assistance (optional): July 26, 2021.

ADDRESSES: Braden Goetz, U.S. Department of Education, 400 Maryland Avenue SW, Room 11141, Potomac Center Plaza, Washington, DC 20202. Telephone: (202) 245–7405. Email: DisconnectedYouth@ed.gov. Or Corinne Sauri, U.S. Department of Education, 400 Maryland Avenue SW, Room 10362, Potomac Center Plaza, Washington, DC 20202. Telephone: (202) 245–6412.

FOR FURTHER INFORMATION CONTACT: Braden Goetz, U.S. Department of Education, 400 Maryland Avenue SW, Room 10401, Potomac Center Plaza, Washington, DC 20202. Telephone: (202) 245–7405. Email: DisconnectedYouth@ed.gov. Or Corinne Sauri, U.S. Department of Education, 400 Maryland Avenue SW, Room 10362, Potomac Center Plaza, Washington, DC 20202. Telephone: (202) 245–6412.

If you use a telecommunications device for the deaf (TDD) or a text

telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

I. Pilot Opportunity Description

Purpose of Program: P3 was first authorized by Congress in FY 2014 by the Consolidated Appropriations Act, 2014 (2014 Act), and the authority has been included by Congress in appropriations acts each year since FY 2014, most recently in the Consolidated Appropriations Act, 2021 (Pub. L. 116–260) (2021 Act). The FY 2021 P3 authority enables pilot sites to blend FY 2021 Federal funds and obtain waivers of program requirements, including statutory, regulatory, and administrative requirements that are barriers to achieving improved outcomes for youth-serving programs included in the authority. Under P3, pilots can test innovative strategies to achieve significant improvements in

educational, employment, and other key outcomes for disconnected youth using the flexibility provided by P3.

Background:

The economic crisis that has resulted from the coronavirus disease 2019 (COVID-19) pandemic threatens to erase nearly a decade of progress in reducing the percentage of young people ages 16 to 24 in the United States who are neither employed nor enrolled in school, also known as disconnected youth. Between 2010 and 2018, the most recent year for which complete data are available, the percentage of youth who were disconnected dropped from 14.7 percent to 11.2 percent.¹ However, the COVID-19 recession has had a severe impact on the employment of young adults ages 16 to 24, with one-quarter of them losing their jobs from February to May 2020.² While the youth unemployment rate has declined somewhat since that time, it remains high. In April 2021, the unemployment rate for 16- to 19-year-olds was 12.3 percent, while the unemployment rate for 20- to 24-year-olds was 10.5 percent.³

Even prior to the current recession, however, large gaps in the percentage of young people ages 16 to 24 who were neither working nor enrolled in school persisted among young people of different racial and ethnic groups. In 2018, the disconnection rate for white youth was 9.2 percent, while the disconnection rates for Black, Hispanic, and Native American youth were 17.4 percent, 12.8 percent, and 23.4 percent, respectively. While the overall disconnection rate was lowest for Asian youth, 6.2 percent, there were high rates of disconnection among some Asian subgroups, with 13.8 percent of Cambodian youth and 10.2 percent of Hmong youth disconnected in 2018.⁴

President Biden has committed the full resources of the Federal government

to reversing the economic crisis caused by the pandemic. In Executive Order 14002, Economic Relief Related to the COVID-19 Pandemic, he directed Federal agencies to consider actions that improve access to, reduce unnecessary barriers to, and improve coordination among programs funded in whole or in part by the Federal Government.⁵ In Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, the President committed the Administration to a whole-of-government equity agenda to address inequities and systemic racism. Federal agencies were challenged to take a comprehensive approach to advancing equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality.⁶ P3 may be a useful tool for advancing policy objectives in both Executive orders.

P3 gives ED; the Departments of Labor (DOL), Health and Human Services (HHS), and Justice (DOJ);⁷ the Corporation for National and Community Service (CNCS); and the Institute of Museum and Library Services (collectively, the Agencies) authority, provided certain conditions and requirements are met, to waive Federal statutory and regulatory requirements that inhibit access to assistance and effective service delivery for disconnected youth.

P3 authorizes the Agencies to enter into Performance Partnership Agreements (performance agreements) with State, local, or Tribal governments. The performance agreements provide pilots with additional flexibility in the use of certain of the Agencies' discretionary funds,⁸ including

competitive and formula grant funds. Pilots must include two or more Federal programs (at least one of which is administered in whole or in part by a State, local, or Tribal government) that are targeted on disconnected youth, or designed to prevent youth from disconnecting from school or work, and that provide education, training, employment, and other related social services. Entities that seek to participate in these pilots should commit to achieving significant improvements in outcomes for disconnected youth in exchange for flexibility permitted under P3. The authorizing statute states that improving outcomes for disconnected youth means increasing the rate at which individuals between the ages of 14 and 24 (who are low-income and either homeless, in foster care, involved in the juvenile justice system, unemployed, or not enrolled in or at risk of dropping out of an educational institution) achieve success in meeting educational, employment, or other key goals (Consolidated Appropriations Act, 2014, Division H, Section 526(a)(2)).

This notice invites applications for selection as FY 2021 pilots and offers opportunities for prospective applicants to obtain optional technical assistance from the Agencies prior to applying. The purpose of the pre-application technical assistance is to help prospective applicants identify and propose to address, through waivers, blending of funds, or other flexibilities, Federal barriers to effective and integrated service delivery that will improve the educational and employment outcomes of disconnected youth.

If interest in technical assistance exceeds the Agencies' capacity to provide it, the Agencies will give first priority to assisting eligible entities that intend to serve communities that have experienced civil unrest because the statutory authority for FY 2021 directs the Agencies to include such communities among the designated pilots. Second priority will be given to requests for technical assistance from applicants that propose to serve the highest numbers of disconnected youth.

Flexibilities Available Under P3

P3 provides important opportunities to improve access to Federal programs

programs, such as Social Security, Medicare, Medicaid, most Foster Care IV-E programs, Vocational Rehabilitation State Grants, and Temporary Assistance to Needy Families. Discretionary programs administered by the Agencies support a broad set of public services, including education, workforce development, health and mental health, and other low-income assistance programs.

¹ Lewis, Kristen (2020), A Decade Undone: Youth Disconnection in the Age of Coronavirus. New York: Measure of America, Social Science Research Council. Retrieved from: <https://ssrc-static.s3.amazonaws.com/moa/ADecadeUndone.pdf>.

² Kochhar, Rakesh (June 9, 2020), Fact Tank News in Numbers: Hispanic women, immigrants, young adults, those with less education hit hardest by COVID-19 job losses. Washington, DC: Pew Research Center. Retrieved from: <https://www.pewresearch.org/fact-tank/2020/06/09/hispanic-women-immigrants-young-adults-those-with-less-education-hit-hardest-by-covid-19-job-losses/>

³ Bureau of Labor Statistics, U.S. Department of Labor (May 7, 2021), Labor Force Statistics from the Current Population Survey. Retrieved from: <https://www.bls.gov/web/empsit/cpseea10.htm>

⁴ Lewis, *op cit.*, p. 22.

⁵ <https://www.federalregister.gov/documents/2021/01/27/2021-01923/economic-relief-related-to-the-covid-19-pandemic>

⁶ <https://www.federalregister.gov/documents/2021/01/25/2021-01753/advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government>

⁷ DOJ's Office of Justice Programs was first authorized to enter into performance agreements by the Consolidated and Further Continuing Appropriations Act, 2015.

⁸ For the purposes of P3, discretionary funds are funds that Congress appropriates on an annual basis, rather than through a standing authorization. They exclude "entitlement" (or mandatory)

and their effectiveness in addressing the needs of disconnected youth. The Agencies have published on *Youth.gov* a list of the waivers previously granted to pilots under the prior rounds of P3 in which pilots were designated.⁹ These waivers were helpful to the pilots that received them, and, in this latest round, the Agencies hope that applicants propose even more ambitious and bold efforts to remove Federal constraints on effective and innovative service delivery for disconnected youth. We provide several examples below.

These examples are provided for illustrative purposes only, and the allowability of specific proposals will depend on the unique circumstances of individual applicants. Any waivers must be consistent with the statutory safeguards that apply to P3, discussed below, and the Agencies will consider whether the inclusion of a program in a specific pilot is consistent with, or conflicts with, other significant legal or policy considerations. Also, the Agencies will review the blending of competitive grants on a case-by-case basis to consider how the scope, objectives, and target populations of the existing award align with the proposed pilot. Any changes in terms and conditions of the existing competitive grant awards required for pilot purposes must be justified by the applicant. In addition, the Agencies can only waive Federal statutory or regulatory requirements. The Agencies encourage applicants to analyze whether their request also requires State or local rule changes to implement, as those rules are not under the jurisdiction of the Agencies to waive for P3.

Example A: P3 enables State, local, and Tribal governments to blend dollars from multiple Federal funding streams to provide more comprehensive, holistic services for youth without having to allocate costs among the contributing programs and separately track and report on each source of funding. For example, a State could propose to use P3 to support a comprehensive education, training, and reentry services program for youthful offenders before, during, and after their confinement. Funding for the project could be contributed from the Governor's reserve of the State's Workforce Innovation and Opportunity Act (WIOA) Title I Youth program grant, the State's Juvenile Justice and Delinquency Prevention Act Title II State grant, and the State educational agency's Elementary and Secondary Education Act of 1965

(ESEA) Title I, Part D grant for Prevention and Intervention Programs for Children and Youth Who are Neglected, Delinquent, or At-Risk of Dropping Out. The State also could propose to use P3 to waive the statutory performance indicators and reporting requirements under the three programs, replacing them with one set of indicators tailored to match the objectives of the project that the State reports on annually. Funds available to the State for evaluation under section 116(e)(1) of WIOA could be used to evaluate the program.

Example B: A number of Federal grant programs that award funds by formula to States, such as the Carl D. Perkins Career and Technical Education Act of 2006, as amended by the Strengthening Career and Technical Education for the 21st Century Act (Perkins V), require or allow States to set aside funds for State-level activities. In most cases, program statutes specify through a list of authorized or required activities how States may or must use funds reserved for State-level activities. A State could request a waiver that would allow it to use State-level funds to support an activity that goes beyond the required and permissive activities set out in the relevant program statute. More specifically, a State might propose to use funds for an activity that, while not clearly included as an allowable use of funds under the relevant statutory list of authorized activities, is designed to improve outcomes for disconnected youth and is consistent with the statutory purposes of the program. For example, section 124 of Perkins V contains a list of allowable activities that States may use State-level set-aside funds to support. Through P3, a State might seek a waiver to allow it to use State-level Perkins V set-aside funds to support an activity that is designed to improve career and technical education, even though that activity is not specifically included as an authorized activity under section 124 of Perkins V. A State could propose to blend State leadership funds available under section 124 of Perkins V with funds available to the State from its Student Support and Academic Enrichment Grant under Title IV, Part A of the ESEA to support career and technical education instruction for disconnected youth who are working in transitional¹⁰ jobs that are part of a

¹⁰ Transitional jobs are time-limited, subsidized paid work experiences that are provided in combination with education and training services for individuals who are chronically unemployed or have an inconsistent work history to establish a work history, demonstrate success in the workplace, and develop the skills that lead to entry

construction project that aims to bring high-speed internet connectivity to six rural counties in a remote area of the State. The local workforce development boards that serve the six counties under WIOA could contribute funds for the project from their WIOA Title I Adult program grants, obtaining a waiver to increase the share of local WIOA Title I Adult funds that can be spent on transitional jobs from 10 to 15 percent.

Example C: Some Federal programs contain statutory or regulatory requirements that limit the duration of an individual's participation in a program. Due to service interruptions and disruptions caused by the pandemic, participants may not have been able to take full advantage of the opportunities provided by a program over the last year. A P3 applicant could seek flexibility to waive eligibility requirements to extend the duration of an individual's participation in the program as part of a larger strategy to compensate for the time and learning that youth lost to the pandemic. For example, a State, local, or Tribal governmental unit administering a YouthBuild grant¹¹ could seek to extend program services to individuals beyond 24 months; a State recipient of a 7-year Gaining Early Awareness and Readiness for Undergraduate Programs grant¹² could seek to extend services through a participant's second year of enrollment in an institution of higher education; and a private nonprofit organization managing a Transitional Living program grant¹³ for homeless youth could apply in partnership with a State, local, or Tribal government to extend the duration of its services beyond 540 days or to serve youth older than age 21.

Example D: P3 authority can also be used by applicants to propose changes to projects funded under multiple Federal grants that are each, separately, intended to support programs designed to help disconnected youth achieve greater success in meeting their educational and employment goals. A public college or university that is

into and retention in unsubsidized employment. See section 134(d)(5) of WIOA.

¹¹ The YouthBuild grant program is authorized by section 171 of WIOA (29 U.S.C. 3226).

¹² The Gaining Early Awareness and Readiness for Undergraduate Programs grant program is authorized by section 404A of the Higher Education Act of 1965 (20 U.S.C. 1070a–21).

¹³ The Transitional Living grant program is authorized by section 321 of the Juvenile Justice and Delinquency Prevention Act (34 U.S.C. 11221). For this program, the term "homeless youth" is defined in 45 CFR 1351.1(f) as "a person under 18 years of age who is in need of services and without a place of shelter where he or she receives supervision and care."

⁹ The list of previously granted waivers is available at https://youth.gov/sites/default/files/P3-Waiver-List-FINAL_2018-12-10.pdf.

considered a unit of State or local government could request waivers to blend discretionary, non-entitlement student aid funds under Title IV of the Higher Education Act of 1965 (HEA), dollars received through various Federal formula programs, and competitive grant funds in ways that would achieve better outcomes for disconnected youth. For example, a public college or university might propose to increase the share of the Federal Work Study (FWS) program funds available for Job Location and Development programs and waive the 25 percent cap on the amount of the school's allocation that may be used to pay wages to students employed with private, for-profit organizations so that it could use all or more than 25 percent of its FWS funds to provide students who are at risk of dropping out with subsidized career internships in the private sector that are aligned with students' educational and career goals. To help students identify their career goals, the college or university could partner with a local American Job Center, which uses funds from the WIOA Title I Adult program, to provide students with intensive career counseling and information relating to local occupations in demand and their earnings and skill requirements. Similarly, a community college could request waivers to blend and use a portion of a TRIO Educational Opportunity Center grant and its WIOA Title II Adult Education and Family Literacy Act program subgrant to implement an intensive integrated education and training program for young adults who lack a high school credential.

Example E: P3 waivers can help a State, local, or Tribal government and its partners use funds from multiple competitive and formula grants more cohesively and effectively and relieve some of the paperwork or reporting requirements associated with these grants. For example, a State or local government could establish a pilot in partnership with a community-based organization that serves Native Hawaiians that is the recipient of a Social and Economic Development Strategies grant from the Administration for Native Americans in HHS, a Native Hawaiian Education program grant under the ESEA and a Native Hawaiian Career and Technical Education grant from ED, and an Indian and Native American Program Employment and Training Grant from DOL. Under the pilot, this organization could work with its governmental partner to obtain P3 waivers and other flexibilities that would enable it to blend these funds to

carry out a pre-apprenticeship program for Native Hawaiian youth that prepares them for a Registered Apprenticeship. Through P3, it also could request to replace the reporting requirements associated with each of these grants with a single set of outcome goals that the governmental partner and the organization deem most critical for Native Hawaiian youth.

Example F: P3 waivers can help programs reach currently unserved disconnected youth. Current ED regulations for the TRIO programs limit participation in these programs to citizens or permanent residents of the United States, or individuals who are in the United States for other than a temporary purpose who provide evidence from the Immigration and Naturalization Service of their intent to become a permanent resident.¹⁴ Applying in partnership with affiliated local public institutions of higher education that administer TRIO grants, a multi-State consortium of public college or university systems that are considered units of State government could seek a waiver of this requirement so that their affiliated schools could use TRIO funds to serve disconnected youth who qualify for the Deferred Action for Childhood Arrivals (DACA) program¹⁵ or who have Temporary Protected Status.¹⁶

¹⁴ See 34 CFR 643.3 (Talent Search), 34 CFR 644.3 (Educational Opportunity Centers), 34 CFR 645.3 (Upward Bound), 34 CFR 646.3 (Student Support Services), and 34 CFR 647.3 (Ronald E. McNair Postbaccalaureate Achievement Program).

¹⁵ In 2012, the Department of Homeland Security (DHS) began implementing the DACA policy, which allows youth who were brought to the United States as children and who meet certain criteria to request consideration for deferred action, involving a case-by-case determination by DHS not to pursue an individual's removal from the United States for an initial two-year period as a matter of prosecutorial discretion. DACA recipients can live and go to school in the United States and may be eligible to obtain work authorization while their deferred action remains in effect. For more information, see <https://www.uscis.gov/humanitarian/consideration-of-deferred-action-for-childhood-arrivals-daca> www.uscis.gov/humanitarian/consideration-of-deferred-action-for-childhood-arrivals-daca www.uscis.gov/humanitarian/consideration-of-deferred-action-for-childhood-arrivals-daca www.uscis.gov/humanitarian/consideration-of-deferred-action-for-childhood-arrivals-daca.

¹⁶ The Secretary of Homeland Security may designate a foreign country for Temporary Protected Status (TPS) due to conditions in the country that temporarily prevent the country's nationals from returning safely, or in certain circumstances, where the country is unable to handle the return of its nationals adequately. United States Citizenship and Immigration Services may grant TPS to eligible nationals of certain countries (or parts of countries), who are already in the United States. During a designated period, individuals who are TPS beneficiaries are not removable from the United States and can obtain work authorization. For more information, see <https://www.uscis.gov/humanitarian/temporary-protected->

Example G: P3 waivers can make childcare more accessible for youth who are parents and pursuing a postsecondary degree or credential but at risk of leaving without a degree or credential or employment due to the lack of childcare. A public college or university that receives funds under the Strengthening Institutions program authorized by Title III, Part A of the HEA could obtain a waiver of the regulatory prohibition against using a portion of these funds for childcare services in order to augment the childcare services it provides with its Child Care Access Means Parents in School Program grant. Although the P3 authority provides broad waiver authority to increase flexibility and relieve burden in order to improve the effectiveness of Federal funding for disconnected youth, it is important to note that there are some limitations on the waivers. In particular, as stated in the original statutory authority for P3, the P3 waivers—

- May not involve any requirement related to nondiscrimination, wage and labor standards, or the allocation of funds to State and sub-State levels;
- Must be consistent with the statutory purposes of the Federal program for which such discretionary funds were appropriated;
- May not result in denying or restricting the eligibility of any individual for any of the services that (in whole or in part) are funded by the agency's programs and Federal discretionary funds that are involved in the pilot;
- Based on the best available information, may not otherwise adversely affect vulnerable populations that are the recipients of such services;
- Must be necessary to achieve the outcomes of the pilot as specified in the performance agreement, and no broader in scope than is necessary to achieve such outcomes; and
- Must result in either: (a) Realizing efficiencies by simplifying reporting burdens or reducing administrative barriers with respect to such discretionary funds; or (b) increasing the ability of individuals to obtain access to services that are provided by the discretionary funds.

FY 2021

P3 was reauthorized for FY 2021 for programs administered by all of the six Agencies, and the Agencies may select up to 10 pilots.

[statuswww.uscis.gov/humanitarian/temporary-protected-status](https://www.uscis.gov/humanitarian/temporary-protected-status) www.uscis.gov/humanitarian/temporary-protected-status www.uscis.gov/humanitarian/temporary-protected-status www.uscis.gov/humanitarian/temporary-protected-status.

An applicant must propose to include FY 2021 funds from at least one of the six Agencies.

If Congress extends the P3 authority in future years, pilots may propose to amend the number of Federal programs supporting pilot activities using future funding appropriated. However, authority for pilots to expand in future years is subject to congressional action as well as agency discretion.

Application Requirements:

The application requirements for this opportunity are from the notice of final priorities, requirements, definitions, and selection criteria for this program published on April 28, 2016, in the

Federal Register (81 FR 25339) (P3 NFP) and are as follows:

(a) *Executive summary.* The applicant must provide an executive summary that briefly describes the proposed pilot, the flexibilities being sought, and the interventions or systems changes that would be implemented by the applicant and its partners to improve outcomes for disconnected youth.

(b) *Flexibility, including waivers: Federal requests for flexibility, including waivers.* For each program to be included in a pilot, the applicant must complete Table 1, Requested Flexibility. The applicant must identify two or more discretionary Federal

programs that will be included in the pilot,¹⁷ at least one of which must be administered (in whole or in part) by a State, local, or Tribal government.¹⁸ In Table 1, the applicant must identify one or more program requirements that would inhibit implementation of the pilot and request that the requirement(s) be waived in whole or in part. Examples of potential waiver requests and other requests for flexibility include, but are not limited to, blending of funds and changes to align eligibility requirements, allowable uses of funds, and performance reporting.

TABLE 1—REQUESTED FLEXIBILITY

Program name	Federal Agency	Program requirements to be waived in whole or in part	Statutory or regulatory citation	Name of program grantee	Blending funds? (yes/no)

Note: Please note in “Name of Program Grantee” if the grantee is a State, local, or Tribal government, or nongovernmental entity.

Program Requirements:

The program requirement for this opportunity is from the P3 NFP.

Performance Agreement. Each P3 pilot, along with other non-Federal government entities involved in the partnership, must enter into a performance agreement that will include, at a minimum, the following (as required by section 526(c)(2) of Division H of the 2014 Act):

- (a) The length of the agreement;
- (b) The Federal programs and federally funded services that are involved in the pilot;
- (c) The Federal discretionary funds that are being used in the pilot;
- (d) The non-Federal funds that are involved in the pilot, by source (which may include private funds as well as governmental funds) and by amount;
- (e) The State, local, or Tribal programs that are involved in the pilot;
- (f) The populations to be served by the pilot;
- (g) The cost-effective Federal oversight procedures that will be used for the purpose of maintaining the necessary level of accountability for the use of the Federal discretionary funds;
- (h) The cost-effective State, local, or Tribal oversight procedures that will be used for the purpose of maintaining the necessary level of accountability for the use of the Federal discretionary funds;
- (i) The outcome (or outcomes) that the pilot is designed to achieve;

(j) The appropriate, reliable, and objective outcome measurement methodology that will be used to determine whether the pilot is achieving, and has achieved, specified outcomes;

(k) The statutory, regulatory, or administrative requirements related to Federal mandatory programs that are barriers to achieving improved outcomes of the pilot; and

(l) Criteria for determining when a pilot is not achieving the specified outcomes that it is designed to achieve and subsequent steps, including:

- (1) The consequences that will result; and
- (2) The corrective actions that will be taken in order to increase the likelihood that the pilot will achieve such specified outcomes.

Definitions: The following definitions are from the P3 NFP.

Blended funding is a funding and resource allocation strategy that uses multiple existing funding streams to support a single initiative or strategy. Blended funding merges two or more funding streams, or portions of multiple funding streams, to produce greater efficiency and/or effectiveness. Funds from each individual stream lose their award-specific identity, and the blended funds together become subject to a single set of reporting and other requirements, consistent with the

underlying purposes of the programs for which the funds were appropriated.

An *interim indicator* is a marker of achievement that demonstrates progress toward an outcome and is measured at least annually.

Outcomes are the intended results of a program or intervention. They are what applicants expect their projects to achieve. An outcome can be measured at the participant level (for example, changes in employment retention or earnings of disconnected youth) or at the system level (for example, improved efficiency in program operations or administration).

A *waiver* provides flexibility in the form of relief, in whole or in part, from specific statutory, regulatory, or administrative requirements that have hindered the ability of a State, locality, or Tribe to organize its programs and systems or provide services in ways that best meet the needs of its target populations. Under P3, waivers provide flexibility in exchange for a pilot’s commitment to improve programmatic outcomes for disconnected youth consistent with underlying statutory authorities and purposes.

Program Authority: Section 524 of Title III, Division H of the Consolidated Appropriations Act, 2021 (Pub. L. 116–260).

Note: Projects will be awarded and must be operated in a manner consistent with the nondiscrimination

¹⁷ Applicants are encouraged to consult the list of examples of programs that are potentially eligible for inclusion in pilots at <https://youth.gov/youth->

[topics/reconnecting-youth/performance-partnership-pilots.](#)

¹⁸ Local governments that are requesting waivers of requirements in State-administered programs are

strongly encouraged to consult with the State agencies that administer the programs in preparing their applications.

requirements contained in Federal civil rights laws.

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 79, 81, 82, 86, 97, 98, and 99, and such other regulations as the Agencies may apply based on the programs included in a particular pilot. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474. (d) The P3 NFP.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

II. Performance Pilot Designation Information

Type of Award: Flexibility.

Estimated Available Funds: None.

Estimated Number of Designations: 10 pilots.

Project Period: FY 2021 pilots may operate for as long as FY 2021 appropriated funds remain available to pilots to obligate to support project activities, but not past September 30, 2025.

III. Eligibility Information

1. *Eligible Applicants:* The lead applicant must be a State, local, or Tribal government entity, represented by a chief executive, such as a governor, mayor, or other elected leader, or the head of a State, local, or Tribal agency.

2. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

IV. Application and Submission Information

1. Application Submission

Instructions: Applicants must submit completed applications to DisconnectedYouth@ed.gov unless electronic submission is not possible. Where electronic submission is not possible (e.g., you do not have access to the internet), you must provide a written statement that you intend to submit a paper application. Send this written statement no later than two weeks before the application deadline date (14 calendar days or, if the 14th calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday). If you mail your

written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. Please send this statement to the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice. If you submit a paper application, you must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, LBJ Basement Level 1, 400 Maryland Avenue SW, Washington, DC 20202–4260. You must show proof of mailing consisting of one of the following: (1) A legibly dated U.S. Postal Service postmark. (2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service. (3) A dated shipping label, invoice, or receipt from a commercial carrier. (4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education. If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing: (1) A private metered postmark. (2) A mail receipt that is not dated by the U.S. Postal Service.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

We will not consider applications postmarked after the application deadline date.

2. *Submission of Proprietary Information:* Given the types of projects that may be proposed in applications for the P3 opportunity, your application may include business information that you consider proprietary. In 34 CFR 5.11 we define “business information” and describe the process we use in determining whether any of that information is proprietary and, thus, protected from disclosure under Exemption 4 of the Freedom of Information Act (5 U.S.C. 552, as amended).

Because we plan to make successful applications available to the public, including performance agreements, and may make all applications available, you may wish to request confidentiality of business information.

Consistent with Executive Order 12600, please designate in your application any information that you believe is exempt from disclosure under Exemption 4. In the appropriate appendix section of your application, please list the page number or numbers on which we can find this information. For additional information please see 34 CFR 5.11(c).

3. *Intergovernmental Review:* This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79.

4. *Recommended Page Limit:* The application narrative is where you, the applicant, provide the information specified in the application requirements and address the selection criteria that reviewers use to evaluate your application. We recommend that you (1) limit the application narrative to no more than five pages and (2) use the following standards:

- A “page” is 8.5” x 11”, on one side only, with 1” margins at the top, bottom, and both sides.

- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions.

- Use a font that is either 12 point or larger.

- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

5. *Requests for Technical Assistance:* For interested eligible entities, the Agencies are offering technical assistance over the next several months that will help prospective applicants to identify Federal impediments to effective and integrated service delivery for disconnected youth and flexibilities that can be removed under P3 and to develop an application submission for a P3 pilot. The Agencies want to engage with as many eligible entities as possible and will accept technical assistance requests on a rolling basis until July 26, 2021. If interest in technical assistance exceeds the Agencies’ capacity to provide it, the Agencies will give first priority to assisting eligible entities that intend to serve communities that have experienced civil unrest, because the statutory authority for FY 2021 directs the Agencies to include such communities among the designated pilots.¹⁹ Second priority will be given to requests for technical assistance from applicants that propose to serve the highest numbers of disconnected youth. To request technical assistance, please email DisconnectedYouth@ed.gov with the subject line “Request for Technical Assistance,” and include the prospective applicant’s name, a contact person’s name and email address, and the names of the Federal programs that the prospective applicant is interested in including in a P3 pilot. Applicants that do not request technical assistance

¹⁹ Section 524(a), Title III, Division H, Consolidated Appropriations Act, 2021, Public Law 116–260.

may still apply for designation as a pilot; applicants that do request technical assistance are not bound to apply or bound by the information provided in their initial request for technical assistance.

6. *Other Submission Requirements:* Applications under this opportunity must be submitted electronically unless electronic submission is not possible.

Please note the following:

- The Department is not publishing an application package for this program. To submit an application, provide all of the information specified in the application requirements. Additionally, complete and submit Standard Form 424B, Assurances for Non-Construction Programs (available at www2.ed.gov/fund/grant/apply/appforms/appforms.html) with your application.

- The Department must receive your application by 11:59 p.m. Eastern Standard Time on August 23, 2021. We will notify you if we are rejecting your application because it was received after the application deadline date.

- We may request that you provide us original signatures on forms at a later date.

V. Application Review Information

1. *Review and Selection Process:* The Department will screen applications that are submitted in accordance with the requirements in this notice and will determine which applications are eligible to be read based on whether they have met the eligibility and application requirements.

The Secretary of Education (Secretary) will also consider compliance with assurances, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance (such as, for ED programs, 34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

2. *Review of Requests for Flexibility, Including Blending of Funds and Other Waivers:* Representatives of the Agencies that administer programs under which flexibility in Federal requirements is sought will evaluate whether the flexibility, including blending of funds and other waivers, requested by applicants meets the statutory requirements for P3 and is otherwise appropriate. For example, if an applicant is seeking flexibility under programs administered by HHS and DOL, its requests for flexibility will be reviewed by HHS and DOL officials. Applicants may be asked to participate in telephone calls at this point in the process in order to clarify requests for flexibility and other aspects of their proposals.

3. *Selecting Finalists:* Agency officials may recommend projects for selection by the Secretary. In consultation with the other Agencies, the Secretary will select up to 10 finalists after considering the recommendations of the Agencies that administer the programs for which the applicants are seeking flexibility, and other information, including an applicant's performance and use of funds and compliance history under a previous award under any agency program. In selecting pilots, the Secretary will first give priority to applicants that will serve communities that have experienced civil unrest, to address the statutory requirement that designated pilots include communities that have experienced civil unrest, and will then select those applications that will serve the highest numbers of disconnected youth.

For each finalist, ED and any other Agencies implicated in the pilot will negotiate the performance agreement. If a performance agreement cannot be finalized for an applicant, an alternative applicant may be selected as a finalist instead. The recommended projects will be considered finalists until performance agreements are signed by all parties, and pilot designation will be awarded only after finalization and approval of each finalist's performance agreement.

VI. Designation Administration Information

1. *Designation Notices:* If your application is successful, we notify your U.S. Representative(s) and U.S. Senators and send you a letter notification of your selection as a pilot. We may notify you informally, also.

If your application is not evaluated or not selected as a pilot, we will notify you.

2. *Performance Measures:* The performance agreement for each pilot will include outcome measures, interim indicators, and targets.

VII. Other Information

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, audiotope, 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.

Dated: June 21, 2021.

Amy Loyd,

Acting Assistant Secretary for Career, Technical, and Adult Education.

[FR Doc. 2021-13382 Filed 6-23-21; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

[Docket No.: ED-2021-SCC-0055]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP) Match Waiver Request Form

AGENCY: Office of Postsecondary Education (OPE), 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 July 26, 2021.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this information collection request by selecting "Department of Education" under "Currently Under Review," then check "Only Show ICR for Public Comment" checkbox. Comments may also be sent to ICDocketmgr@ed.gov.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Craig Pooler, (202) 453-6195.

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: Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP) Match Waiver Request Form.

OMB Control Number: 1840-0854.

Type of Review: Extension without change of a currently approved collection.

Respondents/Affected Public: Private Sector; State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 127.

Total Estimated Number of Annual Burden Hours: 64.

Abstract: The Department is requesting an extension of the GEAR UP Match Waiver Request Form, which is currently approved under emergency processing. This form collects information needed to determine GEAR UP grantees' eligibility for a waiver of the match requirement, as permitted under Section 3518(b) of the Coronavirus Aid, Relief, and Economic Security (CARES) Act. The Department has estimated 30 minutes of burden per respondent to provide this information.

Dated: June 17, 2021.

Stephanie Valentine,

PRA Coordinator, Strategic Collections and Clearance Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2021-13236 Filed 6-23-21; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

Applications for New Awards; Business and International Education Program

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education (Department) is issuing a notice inviting applications for fiscal year (FY) 2021 for the Business and International Education (BIE) program, Assistance Listing Number 84.153A. This notice relates to the approved information collection under OMB control number 1840-0794.

DATES:

Applications Available: June 24, 2021.

Pre-Application Webinar information:

The Department will hold a pre-application meeting via webinar for prospective applicants. Detailed information regarding this webinar will be provided on the International and Foreign Language Education website at www2.ed.gov/about/offices/list/ope/iegps/index.html. Additionally, for new potential grantees unfamiliar with grantmaking at the Department, please consult our funding basics resources at www2.ed.gov/documents/funding-101/funding-101-basics.pdf.

Deadline for Transmittal of Applications: August 13, 2021.

Deadline for Intergovernmental Review: September 13, 2021.

ADDRESSES: For the addresses for obtaining and submitting an application, please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on February 13, 2019 (84 FR 3768) and available at www.govinfo.gov/content/pkg/FR-2019-02-13/pdf/2019-02206.pdf.

FOR FURTHER INFORMATION CONTACT:

Tanyelle Richardson, U.S. Department of Education, 400 Maryland Avenue SW, Room 258-14, Washington, DC 20202. Telephone: (202) 453-6391. Email: tanyelle.richardson@ed.gov.

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay

Service (FRS), toll free, at 1-800-877-8339.

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The BIE Program provides grants to enhance international business education programs and to expand the capacity of the business community to engage in international economic activities.

Priorities: This notice contains two invitational priorities.

Invitational Priorities: For FY 2021 and any subsequent year in which we make awards from the list of unfunded applications from this competition, these priorities are an invitational priorities. Under 34 CFR 75.105(c)(1), we do not give an application that meets these invitational priorities a competitive or absolute preference over other applications.

These priorities are:

Invitational Priority 1—Minority Serving Institutions and Community Colleges.

Applications from Minority-Serving Institutions (MSIs) (as defined in this notice) and community colleges (as defined in this notice), for the purposes of pursuing the activities authorized under this program.

For the purpose of this priority:

Community college means an institution that meets the definition in section 312(f) of the Higher Education Act of 1965, as amended (HEA) (20 U.S.C. 1058(f)); or an IHE (as defined in section 101 of the HEA) that awards degrees and certificates, more than 50 percent of which are not bachelor's degrees (or an equivalent) or master's, professional, or other advanced degrees.

Minority-Serving Institution means an institution that is eligible to receive assistance under sections 316 through 320 of part A of title III, under part B of title III, or under title V of the HEA.

Note: The Eligibility Matrix that lists of institutions of higher education and identifies the title III and title V programs for which they are currently eligible is available at: www2.ed.gov/about/offices/list/ope/idades/eligibility.html#el-inst.

Invitational Priority 2—Training in Less Commonly Taught Languages or Thematic Focus on International Business Programs.

Applications that propose programs or activities focused on language training or the development of area or international business programs focused on contemporary topics or themes in conjunction with training in foreign languages, except French, German, or Spanish.

Program Authority: 20 U.S.C. 1130–1130b.

Note: Projects will be awarded and must be operated in a manner consistent with the nondiscrimination requirements contained in Federal civil rights laws.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 79, 81, 82, 84, 85, 86, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474. (d) The regulations for this program in 34 CFR parts 655 and 661.

Program Assurances: Each application must include an assurance that, where applicable, the activities funded by this grant will reflect diverse perspectives and a wide range of views on world regions and international affairs. (20 U.S.C. 1130a(c)).

II. Award Information

Type of Award: Discretionary grants.
Estimated Available Funds: \$1,663,532.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2022 from the list of unfunded applications from this competition.

Estimated Range of Awards: \$70,000–\$95,000 for each 12-month budget period.

Estimated Average Size of Awards: \$84,210.

Estimated Number of Awards: 20.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 24 months.

III. Eligibility Information

1. *Eligible Applicants:* Institutions of higher education (IHEs) that have entered into agreements with business enterprises, trade organizations, or associations that are engaged in international economic activity—or a consortium of these enterprises, organizations, or associations—for the purposes of pursuing the activities authorized under this program.

2.a. *Cost Sharing or Matching:* To be eligible for an award, an applicant must provide matching funds through non-Federal contributions, either in cash or in-kind donations. The applicant must

propose the amount of cash or in-kind resources to be contributed for each year of the grant. As described in section 613(d) of the HEA (20 U.S.C. 1130a(d)), the applicant's share of the total cost of carrying out a program supported by a grant under the BIE Program must be no less than 50 percent of the total cost of the project in each fiscal year.

b. *Supplement not Supplant:* This program involves supplement-not-supplant funding requirements. Grantees must use BIE grant funds to supplement, and not supplant, any other Federal, State, and local funds that would otherwise have been available to carry out authorized activities, which are described in section 604(a)(7)(D) of the HEA, 20 U.S.C. 1124(a)(7)(D).

c. *Indirect Cost Rate Information:* This program uses a restricted indirect cost rate. For more information regarding indirect costs, or to obtain a negotiated indirect cost rate, please see www2.ed.gov/about/offices/list/ocfo/intro.html.

d. *Administrative Cost Limitation:* This program does not include any program-specific limitation on administrative expenses. All administrative expenses must be reasonable and necessary and conform to Cost Principles described in 2 CFR part 200 subpart E of the Uniform Guidance.

3. *Subgrantees:* Under 34 CFR 75.708(b) and (c), a grantee under this competition may award subgrants—to directly carry out project activities described in its application—to the following types of entities: IHEs, nonprofit organizations, professional organizations, or businesses. The grantee may award subgrants to entities it has identified in the approved application or that it selects through a competition under procedures established by the grantee.

IV. Application and Submission Information

1. *Application Submission Instructions:* Applicants are required to follow the Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on February 13, 2019 (84 FR 3768) and available at www.govinfo.gov/content/pkg/FR-2019-02-13/pdf/2019-02206.pdf, which contain requirements and information on how to submit an application.

2. *Submission of Proprietary Information:* Given the types of projects that may be proposed in applications for the BIE grant competition, your application may include business information that you consider

proprietary. In 34 CFR 5.11 we define “business information” and describe the process we use in determining whether any of that information is proprietary and, thus, protected from disclosure under Exemption 4 of the Freedom of Information Act (5 U.S.C. 552, as amended). Because we plan to post on our website a selection of funded abstracts and applications' narrative sections, you may wish to request confidentiality of business information.

Consistent with Executive Order 12600, please designate in your application any information that you believe is exempt from disclosure under Exemption 4. In the appropriate Appendix section of your application, under “Other Attachments Form,” please list the page number or numbers on which we can find this information. For additional information please see 34 CFR 5.11(c).

3. *Intergovernmental Review:* This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this program. Please note that, under 34 CFR 79.8(a), we have shortened the standard 60-day intergovernmental review period in order to make awards by the end of FY 21.

4. *Funding Restrictions:* We specify unallowable costs in 34 CFR 658.40. We reference additional regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

5. *Recommended Page Limit:* The application narrative is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you (1) limit the application narrative to no more than 35 pages and (2) use the following standards:

- A “page” is 8.5” x 11”, on one side only, with 1” margins at the top, bottom, and both sides.

- Double space (no more than three lines per vertical inch) all text in the application narrative, *except* titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.

- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).

- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The recommended page limit does not apply to the cover sheet; budget section, including the narrative budget justification; the assurance and

certifications; or the abstract, the resumes, the biography, or letters of support. However, the recommended page limit does apply to all of the application narrative.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this program are in 34 CFR 661.31 and 34 CFR 655.31. The maximum score for all of the selection criteria is 100 points. The maximum score for each criterion is included in parentheses following the title of the specific selection criterion. Each criterion also includes the factors that reviewers will consider in determining the extent to which an applicant meets the criterion.

The selection criteria are as follows:

(a) *Need for the project* (up to 25 points).

The Secretary reviews each application for information that shows the need for the project, and the extent to which the proposed project will promote linkages between institutions of higher education and the business community involved in international economic activities.

(b) *Plan of operation* (up to 20 points).

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that ensures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women; and

(C) persons with disabilities.

(c) *Qualifications of the key personnel* (up to 10 points).

(1) The Secretary reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the

project. In the case of faculty, the qualifications of the faculty and the degree to which that faculty is directly involved in the actual teaching and supervision of students;

(iii) The time that each person referred to in paragraphs (b)(2)(i) and (ii) of this section plans to commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as members of racial or ethnic minority groups, women, persons with disabilities, and the elderly.

(3) To determine the qualifications of a person, the Secretary considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

(d) *Budget and cost effectiveness* (up to 15 points).

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(e) *Evaluation plan* (up to 25 points).

(1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project.

(2) The Secretary looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(f) *Adequacy of resources* (5 points).

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows—

(i) Other than library, facilities that the applicant plans to use are adequate (language laboratory, museums, etc.); and

(ii) The equipment and supplies that the applicant plans to use are adequate.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous

award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary requires various assurances, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Risk Assessment and Specific Conditions:* Consistent with 2 CFR 200.206, before awarding grants under this competition the Department conducts a review of the risks posed by applicants. Under 2 CFR 200.208, the Secretary may impose specific conditions and, under 2 CFR 3474.10, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

4. *Integrity and Performance System:* If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently \$250,000), under 2 CFR 200.206(a)(2), we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through the System for Award Management. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds \$10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed \$10,000,000.

5. *In General*: In accordance with the Office of Management and Budget's guidance located at 2 CFR part 200, all applicable Federal laws, and relevant Executive guidance, the Department will review and consider applications for funding pursuant to this notice inviting applications in accordance with the following:

(a) Selecting recipients most likely to be successful in delivering results based on the program objectives through an objective process of evaluating Federal award applications (2 CFR 200.205);

(b) Prohibiting the purchase of certain telecommunication and video surveillance services or equipment in alignment with section 889 of the National Defense Authorization Act of 2019 (Pub. L. 115–232) (2 CFR 200.216);

(c) Providing a preference, to the extent permitted by law, to maximize use of goods, products, and materials produced in the United States (2 CFR 200.322); and

(d) Terminating agreements in whole or in part to the greatest extent authorized by law if an award no longer effectuates the program goals or agency priorities (2 CFR 200.340).

VI. Award Administration Information

1. *Award Notices*: If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN). We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements*: We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Open Licensing Requirements*: Unless an exception applies, if you are awarded a grant under this competition, you will be required to openly license to the public grant deliverables created in whole, or in part, with Department grant funds. When the deliverable consists of modifications to pre-existing works, the license extends only to those modifications that can be separately identified and only to the extent that open licensing is permitted under the terms of any licenses or other legal

restrictions on the use of pre-existing works. Additionally, a grantee or subgrantee that is awarded competitive grant funds must have a plan to disseminate these public grant deliverables. This dissemination plan can be developed and submitted after your application has been reviewed and selected for funding. For additional information on the open licensing requirements please refer to 2 CFR 3474.20.

4. *Reporting*: (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. Grantees are required to use the electronic data instrument, International Resource Information System (IRIS), to complete both the annual and final reports. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to www.ed.gov/fund/grant/apply/appforms/appforms.html.

(c) Under 34 CFR 75.250(b), the Secretary may provide a grantee with additional funding for data collection analysis and reporting. In this case the Secretary establishes a data collection period.

5. *Performance Measures*: Under the Government Performance and Results Act of 1993 and for purposes of Department reporting under 34 CFR 75.110, the Department will use the following performance measure to evaluate the success of the BIE program:

Percentage of BIE projects judged to be successful by the program officer, based on a review of information provided in annual performance reports.

The Department will use information provided by grantees in their performance reports submitted via IRIS as the source of data for these measures. Reporting screens for institutions can be viewed at: www.ieps-iris.org/iris/pdfs/BIE.pdf.

6. *Continuation Awards*: In making a continuation award under 34 CFR 75.253, the Secretary considers, among

other things: Whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, whether the grantee has made substantial progress in achieving the performance targets in the grantee's approved application.

In making a continuation award, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Other Information

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document and a copy of the application package in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, or compact disc, or other accessible format.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at www.govinfo.gov. At this site you can view this document, as well as all other documents of 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.

Michelle Asha Cooper,

Acting Assistant Secretary for Postsecondary Education.

[FR Doc. 2021–13250 Filed 6–23–21; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF ENERGY**Environmental Management Site-Specific Advisory Board, Northern New Mexico**

AGENCY: Office of Environmental Management, Department of Energy.

ACTION: Notice of open virtual meeting.

SUMMARY: This notice announces an online virtual meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Northern New Mexico. The Federal Advisory Committee Act requires that public notice of this online virtual meeting be announced in the **Federal Register**.

DATES: Wednesday, July 21, 2021; 1:00 p.m.–5:00 p.m.

ADDRESSES: This meeting will be held virtually via Webex. To attend, please contact Menice Santistevan by email, Menice.Santistevan@em.doe.gov, no later than 5:00 p.m. MT on Monday, July 19, 2021.

To Sign Up for Public Comment: Please contact Menice Santistevan by email, Menice.Santistevan@em.doe.gov, no later than 5:00 p.m. MT on Monday, July 19, 2021.

FOR FURTHER INFORMATION CONTACT: Menice Santistevan, Northern New Mexico Citizens' Advisory Board (NNMCAB), 94 Cities of Gold Road, Santa Fe, NM 87506. Phone (505) 995-0393 or Email: Menice.Santistevan@em.doe.gov.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE-EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

- Overview and Approval of Agenda
- Approval of May 19, 2021 Minutes
- Old Business
 - Update from NNMCAB Chair and Vice Chair
- New Business
 - Appointment of Nominating Committee
- Update from EM Los Alamos Field Office
- Update from N3B
- Update from New Mexico Environment Department
- Presentation on Water Quality Data
- Public Comment Period
- Update on Chromium Plume Interim Measure
- Questions and Discussion Regarding Possible Recommendation(s)

Public Participation: The online virtual meeting is open to the public.

Written statements may be filed with the Board either before or within five days after the meeting by sending them to Menice Santistevan at the aforementioned email address. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Menice Santistevan at the address or telephone number listed above. Minutes and other Board documents are on the internet at: <https://www.energy.gov/em/nnmcab/meeting-materials>.

Signed in Washington, DC, on June 16, 2021.

LaTanya Butler,

Deputy Committee Management Officer.

[FR Doc. 2021-13327 Filed 6-23-21; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Project No. 14985-001]

Lower Coosawattee Hydroelectric Project, LLC; Notice of Application Tended for Filing With the Commission and Soliciting Additional Study Requests and Cooperating Agencies and Establishing Procedural Schedule for Licensing and Deadline for Submission of Final Amendments

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

- a. *Type of Application:* Major License.
- b. *Project No.:* 14985-001.
- c. *Date Filed:* June 2, 2021.
- d. *Applicant:* Cherokee Rivers Company, LLC.
- e. *Name of Project:* Lower Coosawattee Hydroelectric Project (Lower Coosawattee Project).
- f. *Location:* The proposed project would be located at the U.S. Army Corps of Engineers' (Corps) Carter's Reregulation Dam on the Coosawattee River, in Murray County, Georgia.
- g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825(r).
- h. *Applicant Contact:* Robert Davis, Cherokee Rivers Company, LLC, 390 Timber Laurel Lane, Lawrenceville, GA 30043; Telephone (470) 331-8238; hydrowatt@comcast.net.
- i. *FERC Contact:* Dustin Wilson at (202) 502-6528, or at dustin.wilson@ferc.gov.

j. *Cooperating agencies:* Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item l below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. See, 94 FERC ¶ 61,076 (2001).

k. Pursuant to section 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merit, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the date of filing of the application, and serve a copy of the request on the applicant.

l. *Deadline for filing additional study requests and requests for cooperating agency status:* August 2, 2021.

The Commission strongly encourages electronic filing. Please file additional study requests and requests for cooperating agency status using the Commission's eFiling system at <https://ferconline.ferc.gov/FERCONline.aspx>. 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, Maryland 20852. All filings must clearly identify the project name and docket number on the first page: Lower Coosawattee Hydroelectric Project (P 14985-001).

m. This application is not ready for environmental analysis at this time.

n. *Project Description:* The proposed project would use the existing Corps' Carters Reregulation Dam and would consist of: (1) An intake structure with trash racks and gates, on the south end of the dam; (2) four 350-foot-long penstocks running through the non-overflow portion of the earthen dam, combining into (3) a double box culvert conduit; (4) a powerhouse containing

two generating units, with a combined capacity of 4.5 megawatts; and (5) a 450-foot-long transmission line. The proposed project would have an estimated average annual generation of 16,500 megawatt-hours, and operate run-of-release using surplus water from the Carter's Reregulation Dam, as directed by the Corps.

o. In addition to publishing the full text of this notice in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this notice, as well as other documents in the proceeding (e.g., license application) 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 (P-14985-001). 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, (866) 208-3676 or (202) 502-8659 (TTY).

You may also register online at <https://ferconline.ferc.gov/FERCOnline.aspx> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

p. *Procedural Schedule and final amendments*: The application will be processed according to the following preliminary Schedule. Revisions to the schedule will be made as appropriate.

Issue Deficiency Letter—August 2021
Issue Acceptance Letter—November 2021
Issue Scoping Document—December 2021
Request Additional information (if necessary)—February 2021
Notice of Ready for Environmental Analysis—March 2021

Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of the notice of ready for environmental analysis.

Dated: June 15, 2021.

Kimberly D. Bose,
Secretary.

[FR Doc. 2021-13374 Filed 6-23-21; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2530-057]

Brookfield White Pine Hydro LLC; Notice of Waiver Period for Water Quality Certification Application

On March 12, 2021, Brookfield White Pine Hydro LLC submitted to the Federal Energy Regulatory Commission (Commission) a copy of its application for a Clean Water Act section 401(a)(1) water quality certification filed with the Maine Department of Environmental Protection, in conjunction with the above captioned project. Pursuant to 40 CFR 121.6, we hereby notify the Maine Department of Environmental Protection of the following:

Date of Receipt of the Certification Request: March 12, 2021.

Reasonable Period of Time to Act on the Certification Request: One year.

Date Waiver Occurs for Failure to Act: March 14, 2022.¹

If the Maine Department of Environmental Protection fails or refuses to act on the water quality certification request by the above waiver date, then the agency certifying authority is deemed waived pursuant to section 401(a)(1) of the Clean Water Act, 33 U.S.C. 1341(a)(1).

Dated: June 17, 2021.

Kimberly D. Bose,
Secretary.

[FR Doc. 2021-13299 Filed 6-23-21; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD10-12-012]

Increasing Market and Planning Efficiency Through Improved Software; Second Supplemental Notice of Technical Conference on Increasing Real-Time and Day-Ahead Market Efficiency Through Improved Software

As first announced in the Notice of Technical Conference issued in this proceeding on March 11, 2021,

¹ The Commission's Rules of Practice and Procedure provide that, if a filing deadline falls on a Saturday, Sunday, holiday, or other day when the Commission is not open for business, the filing deadline does not end until the close of business on the next business day. 18 CFR 385.2007(a)(2) (2020). Because the end of the one-year time period falls on a Saturday (March 12, 2022), the period is extended until the close of business on Monday, March 14, 2022.

Commission staff will convene a technical conference on June 22, 23, and 24, 2021 to discuss opportunities for increasing real-time and day-ahead market efficiency of the bulk power system through improved software. Attached to this Second Supplemental Notice is a final agenda for the technical conference and speakers' summaries of their presentations.

While the intent of the technical conference is not to focus on any specific matters before the Commission, some conference discussions might include topics at issue in proceedings that are currently pending before the Commission, including topics related to capacity valuation methodologies for renewable, hybrid, or storage resources. These proceedings include, but are not limited to:

	Docket Nos.
PJM Interconnection, L.L.C.	ER20-584-000.
PJM Interconnection, L.L.C.	EL19-100-000.
PJM Interconnection, L.L.C.	ER21-278-000 and ER21-278-001.

The conference will take place virtually via WebEx, with remote participation from both presenters and attendees. Further details on remote attendance and participation will be released prior to the conference. Attendees must register through the Commission's website on or before June 11, 2021.¹ WebEx connections may not be available to those who do not register.

The Commission will accept comments following the conference, with a deadline of July 30, 2021.

There is an "eSubscription" link on the Commission's website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

FERC conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations please send an email to accessibility@ferc.gov or call toll free (866) 208-3372 (voice) or (202) 502-8659 (TTY), or send a fax to (202) 208-2106 with the required accommodations.

For further information about these conferences, please contact:
Sarah McKinley (Logistical Information), Office of External

¹ The attendee registration form is located at <https://ferc.webex.com/ferc/onstage/g.php?MTID=e97c1ef8334b1f4db52394fe644edfe57>. Click "Register" to be taken to the form.

Affairs, (202) 502-8004,
Sarah.McKinley@ferc.gov.
 Alexander Smith (Technical
 Information), Office of Energy Policy
 and Innovation, (202) 502-6601,
Alexander.Smith@ferc.gov.

Dated: June 17, 2021.

Debbie-Anne A. Reese,
Deputy Secretary.

[FR Doc. 2021-13438 Filed 6-23-21; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project Nos. 14803-001 and P-2082-063]

Klamath River Renewal Corporation PacifiCorp; Notice of Intent To Prepare An Environmental Impact Statement for the Proposed Lower Klamath Project Surrender and Removal, Request for Comments on Environmental Issues, Schedule for Environmental Review, and Notice of Public Virtual Scoping Sessions

On November 17, 2020, and supplemented on February 26, and March 22, 2021, the Klamath River Renewal Corporation (Renewal Corporation) and PacifiCorp (applicants) filed an amended application for surrender of license and removal of project works for the Lower Klamath Hydroelectric Project No. 14803. The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental impact statement (EIS) that will discuss the environmental impacts of the proposed surrender and removal of the Lower Klamath Project No. 14803 located on the Klamath River in Klamath County, Oregon, and Siskiyou County, California. The Commission will use this EIS in its decision-making process to identify potential adverse and beneficial impacts of the proposed project surrender and reasonable alternatives.¹

This notice initiates the start of a scoping process the Commission will use to gather input from the public and interested agencies about issues regarding the project. As part of the National Environmental Policy Act (NEPA) review process, the Commission takes into account concerns the public may have about proposals and the

environmental impacts that could result from its action. This process is referred to as “scoping.” The main goal of the scoping process is to focus the analysis in the EIS on the important environmental issues. Additional information about the Commission’s NEPA process is described below in the *NEPA Process and the EIS* section of this notice.

By this notice, the Commission staff requests public comments on the scope of issues to address in the EIS. Specifically, we request comments on potential alternatives and impacts, as well as identification of any relevant information, studies, or analyses of any kind concerning impacts affecting the quality of the human environment. To ensure that your comments are timely and properly recorded, please submit your comments within 30 days of the first scoping meeting, *i.e.*, by August 19, 2021. Comments may be submitted in written or oral form. Further details on how to submit comments are provided in the *Public Participation* section of this notice.

Public Participation

There are four 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, which is located on the Commission’s website (www.ferc.gov) under the link to FERC Online. Using eComment 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, which is located 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.” You will be asked to select the type of filing you are making; a comment on a particular project is considered a “Comment on a Filing”; 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 (Project No. 14803-001 and P-2082-063) 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.

(4) *Virtual Scoping Sessions*: In lieu of sending written comments, the Commission invites you to attend one of the virtual scoping sessions its staff will conduct by telephone, scheduled as follows:

Date and Time

For Federal and state resource agencies, Tuesday, July 20, 2021, 9:00 a.m.–12:00 p.m. Pacific Time, Call in number: 888-604-9359, Participant passcode: 8998724

For all others including the general public, Tuesday, July 20, 2021, 6:00–9:00 p.m. Pacific Time, Call in number: 888-604-9359, Participant passcode: 8998724

For all others including the general public, Wednesday, July 21, 2021, 6:00–9:00 p.m. Pacific Time, Call in number: 888-604-9359, Participant passcode: 8998724

For all others including the general public, Thursday, July 22, 2021, 6:00–9:00 p.m. Pacific Time, Call in number: 888-604-9359, Participant passcode: 8998724

The primary goal of these scoping sessions is to seek input on the specific environmental issues and concerns that should be considered in the EIS. Individual oral comments will be taken on a one-on-one basis with a court reporter on the line. This format is designed to receive the maximum amount of oral comments, in a convenient way during the timeframe allotted and in response to the ongoing COVID-19 pandemic.

Each scoping session for the general public is scheduled from 6:00 p.m. to 9:00 p.m. Pacific Time. You may call any time during that period. You will initially be placed on mute and hold. Calls will be answered in the order they are received. Once answered, you will have the opportunity to provide your comments directly to a court reporter. FERC staff or a representative may also be present on the line. A time limit of three minutes will be implemented for each commentor.

There will be a short introduction by Commission staff and the Renewal Corporation when each session opens. Please see appendix 1 for additional

¹ On July 16, 2020, the Council on Environmental Quality (CEQ) issued a final rule, *Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act* (Final Rule, 85 FR 43,304), which was effective as of September 14, 2020. Accordingly, this EIS will be prepared pursuant to the Final rule.

information on the session format and conduct.²

Transcripts of all comments received during the scoping sessions will be publicly available on FERC's eLibrary system (see the last page of this notice for instructions on using eLibrary).

It is important to note that the Commission provides equal consideration to all comments received, whether filed in written form or provided orally at a virtual scoping session.

Additionally, the Commission offers a free service called eSubscription which makes it easy to stay informed of all issuances and submittals regarding the dockets/projects to which you subscribe. These instant email notifications are the fastest way to receive notification and provide a link to the document files which can reduce the amount of time you spend researching proceedings. Go to <https://www.ferc.gov/ferc-online/overview> to register for eSubscription.

Summary of the Proposed Surrender

The 163-megawatt Lower Klamath Project is located on the Klamath River and consists of 4 developments: J.C. Boyle, Copco No. 1, Copco No. 2, and Iron Gate. The J.C. Boyle Development is located in Klamath County, Oregon, while the Copco No. 1, Copco No. 2, and Iron Gate developments are located in Siskiyou County, California.

On November 17, 2020, and supplemented on February 26, and March 22, 2021,³ the Renewal Corporation and PacifiCorp filed an amended application to surrender the license and decommission the Lower Klamath Project. The purpose and need for the proposed action is to surrender the project license and remove the project features to achieve a free-flowing condition and volitional fish passage, site remediation, and restoration.

Decommissioning activities would include the removal of the J.C. Boyle Dam and Powerhouse, Copco No. 1 Dam and Powerhouse, Copco No. 2 Dam and Powerhouse, and Iron Gate Dam and

Powerhouse, as well as associated features. Associated features vary by development, but generally include powerhouse intake structures, embankments, sidewalls, penstocks and supports, decks, piers, gatehouses, fish ladders and holding facilities, pipes and pipe cradles, spillway gates and structures, diversion control structures, aprons, sills, tailrace channels, footbridges, powerhouse equipment, distribution lines, transmission lines, switchyards, original cofferdams, portions of the Iron Gate Fish Hatchery, residential facilities, and warehouses. Facility removal, as proposed, would be completed within an approximately 20-month period.

To implement the surrender, the Renewal Corporation proposes to: (1) Draw down the four reservoirs; (2) remove the dams and associated facilities; (3) restore lands currently occupied by the dams, reservoirs, and other facilities; and (4) minimize adverse effects on environmental resources. The Renewal Corporation proposes to implement a number of management plans, which were filed on February 26, 2021.

The NEPA Process and the EIS

The EIS issued by the Commission will discuss impacts that could occur as a result of the proposed surrender and removal of the project under the following general resource areas:

- Geology and soils
- water quantity
- water quality
- aquatic resources
- terrestrial resources
- threatened and endangered species
- recreation
- land use
- aesthetic resources
- socioeconomics
- cultural resources
- air quality, noise, and greenhouse gas emissions
- developmental resources

Your comments will help Commission staff identify and focus on the issues that might have an effect on the human environment and potentially eliminate others from further study and discussion in the EIS.

The EIS will present Commission staff's independent analysis of the issues. Staff will prepare a draft EIS which will be issued for public comment. Commission staff will consider all timely comments received during the comment period on the draft EIS and revise the document, as necessary, before issuing a final EIS. The draft and final EIS will be available in electronic format in the public record

through eLibrary. If eSubscribed, you will receive email notification when environmental documents are issued.

Expected Impacts

Commission staff have identified several potential environmental issues for the following resources based on a preliminary review of the application and comments received in response to the Commission's December 16, 2021 notice. This preliminary list of issues may change based on your comments and our analysis:

- Water quality
- sediment-related impacts
- species listed for protection under the Endangered Species Act
- historic and cultural impacts
- fire suppression
- private wells
- property values
- construction-related impacts

A detailed description of potential effects is included in our Scoping Document 1.

Alternatives Under Consideration

As part of our review in the EIS, the Commission will consider all reasonable alternatives, which include:

Alternatives that are technically and economically feasible; meet the purpose and need for the proposed action; and meet the goals of the applicant.⁴ Alternatives that do not meet these requirements will be summarized and dismissed from further consideration in the EIS. Staff will also consider the no-action alternative. Currently, we are considering one alternative to the proposed action that potentially meets the above criteria: The applicants' proposed action with staff modifications.

The alternatives we are considering may be expanded based on the comments we receive, provided they meet the required criteria. With this notice, we ask commenters to identify other potential alternatives for consideration.

Schedule for Environmental Review

This scoping notice identifies the FERC staff's planned schedule for completion of the draft and final EIS for the Project.

Issuance of Notice of Availability of the draft EIS—February 2022.

Issuance of Notice of Availability of the final EIS—September 2022.

If a schedule change becomes necessary for the final EIS, an additional notice will be provided so that the relevant agencies are kept informed of

² The appendix referenced in this notice will not appear in the **Federal Register**. Copies of the appendices were sent to all those receiving this notice in the mail and are available at www.ferc.gov using the link called "eLibrary". For instructions on connecting to eLibrary, refer to the last page of this notice. 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 TTY (202) 502-8659.

³ The original application was originally filed on September 23, 2016, with a number of supplements following this initial filing.

⁴ 40 CFR 1508.1(z).

the Project's progress. After the final EIS is issued, the Commission will make a decision on the proposal.

Permits and Authorizations Required

The table below lists the permits and authorizations that are anticipated to be

required for the Project. We note that this list may not be all-inclusive and does not preclude any required permits or authorizations if it is not listed here.

Clean Water Act Section 401 Water Quality Certification—Oregon	Clean Water Act Section 401 Water Quality Certification—California.
Clean Water Act Section 404 Permit—Army Corps of Engineers	State of Oregon Removal—Fill Permit.
Endangered Species Act Section 7 Consultation—Fish and Wildlife Service and the National Marine Fisheries Service.	

Cooperating Agencies

With this notice, the Commission is asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues of this project to formally cooperate in the preparation of the EIS.⁵ Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the *Public Participation* section of this notice. Currently, the U.S. Army Corps of Engineers and the Environmental Protection Agency have requested to participate as cooperating agencies in the preparation of the EIS.

Additional Information

Additional information about the project is available 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, excluding the last three digits (*i.e.*, P-14803 and P-2082). 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.

If you have further questions you may also contact Diana Shannon at diana.shannon@ferc.gov, or 202-502-6136.

Dated: June 17, 2021.

Kimberly D. Bose,
Secretary.

[FR Doc. 2021-13301 Filed 6-23-21; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER21-2129-000]

276FED WHAM8 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 276FED WHAM8 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 6, 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, (866) 208-3676 or TYY, (202) 502-8659.

Dated: June 14, 2021.

Debbie-Anne A. Reese,
Deputy Secretary.

[FR Doc. 2021-13420 Filed 6-23-21; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD21-14-000]

Resource Adequacy Developments in the Western Interconnection; Supplemental Notice of Technical Conference

As announced in the Notice of Technical Conference issued in the above-referenced proceeding on April 23, 2021, the Federal Energy Regulatory Commission (Commission) will convene a Commissioner-led technical conference on Wednesday, June 23, 2021 and Thursday, June 24, 2021, from approximately 12:30 p.m. to 5:00 p.m. (Eastern Time) each day. The conference will be held remotely over WebEx and broadcast on the Commission's website. Attached to this Supplemental Notice are the agenda for the technical

⁵ See 40 CFR 1501.8.

conference and an updated list of panelists. All updates to the panelists since the Commission’s June 9, 2021 Supplemental Notice appear in fully bold script.

The purpose of this conference is to discuss resource adequacy

developments in the Western Interconnection. The Commission seeks to engage varied regional perspectives to discuss challenges, trends, possible ways to continue to ensure resource adequacy, and broader regional

coordination in the Western Interconnection.

Discussions at the conference may involve issues raised in proceedings that are currently pending before the Commission. These proceedings include, but are not limited to:

	Docket Nos.
California Independent System Operator Corporation	ER21-1551-000.
California Independent System Operator Corporation	ER21-1790-000.
Nevada Power Company v. California Independent System Operator Corporation	EL21-74-000.
New York Independent System Operator, Inc	ER21-1018-000.
PJM Interconnection, L.L.C	ER21-2043-000.
PacifiCorp	ER21-1772-000.
Sierra Pacific Power Company	ER21-1774-000.
Nevada Power Company	ER21-1775-000.
ConocoPhillips Company	ER21-40-000.
Tenaska Power Services Company	ER21-42-000.
Exelon Generation Company, LLC	ER21-43-000.
Mercuria Energy America, LLC	ER21-43-001.
Tucson Electric Power Company	ER21-46-000.
UNS Electric, Inc	ER21-47-000.
BP Energy Company	ER21-48-000.
Public Service Company of New Mexico	ER21-51-000.
Mesquite Power, LLC	ER21-51-001.
Guzman Energy, LLC	ER21-52-000.
Shell Energy North America (US), L.P	ER21-55-000.
TransAlta Energy Marketing (U.S.) Inc	ER21-56-000.
Brookfield Renewable Trading and Marketing LP	ER21-57-000.
PacifiCorp	ER21-58-000.
El Paso Electric Company	ER21-59-000.
Uniper Global Commodities North America LLC	ER21-60-000.
Macquarie Energy LLC	ER21-61-000.
Tri-State Generation and Transmission Association, Inc	ER21-61-001.
EDF Trading North America, LLC	ER21-62-000.
Direct Energy Business Marketing, LLC	ER21-64-000.
Nevada Power Company	ER21-65-000.
	ER21-135-000.
	ER21-326-000.
	ER21-434-000.

The conference will be open for the public to attend remotely, and there is no fee for attendance. Information on this conference, including a link to the webcast, will be posted prior to the event on this conference’s event page on the Commission’s website, <https://www.ferc.gov/news-events/events/technical-conference-discuss-resource-adequacy-developments-western>. The conference will be transcribed. Transcripts will be available for a fee from Ace Reporting, (202) 347-3700.

Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please send an email to accessibility@ferc.gov, call toll-free (866) 208-3372 (voice) or (202) 208-8659 (TTY), or send a fax to (202) 208-2106 with the required accommodations.

For more information about this technical conference, please contact

Navin Shekar at navin.shekar@ferc.gov or (202) 502-6297. For information related to logistics, please contact Colin Beckman at colin.beckman@ferc.gov or (202) 502-8049, or Sarah McKinley at sarah.mckinley@ferc.gov or (202) 502-8368.

Dated: June 17, 2021.

Kimberly D. Bose,
Secretary.

[FR Doc. 2021-13302 Filed 6-23-21; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Commission Closing and Filing Deadlines

Take notice that on Friday, June 18, 2021, the Federal Energy Regulatory

Commission will be closed in observance of Juneteenth National Independence Day.

On June 17, 2021, the President of the United States signed into law the Juneteenth National Independence Day Act, establishing June 19 as a federal holiday. Because June 19, 2021, falls on a Saturday, the holiday will be observed this year on June 18, 2021.

In accordance with section 385.2007 of the Commission’s rules, 18 CFR 385.2007 (2020), all filings and documents due to be filed on Friday, June 18, 2021, will be accepted as timely on the next official business day.

Dated: June 17, 2021.

Kimberly D. Bose,
Secretary.

[FR Doc. 2021-13297 Filed 6-23-21; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. ER21–2128–000]

OHAM WHAM8 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 OHAM WHAM8 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 6, 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 14, 2021.

Debbie-Anne A. Reese,
Deputy Secretary.

[FR Doc. 2021–13423 Filed 6–23–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. IC21–14–000]

Commission Information Collection Activities (FERC–516g); Comment Request; Revision and Extension

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection, FERC–516G (Electric Rates Schedules and Tariff Filings), as it would be revised in this information collection request. The Commission will submit this request to the Office of Management and Budget (OMB) for review.

DATES: Comments on the collection of information are due July 26, 2021.

ADDRESSES: Send written comments on FERC–516G to OMB through www.reginfo.gov/public/do/PRAMain, Attention: Federal Energy Regulatory Commission Desk Officer. Please identify the OMB control number (1902–0295) in the subject line. Your comments should be sent within 30 days of publication of this notice in the **Federal Register**.

Please submit copies of your comments (identified by Docket No. IC21–14–000) to the Commission as noted below. Electronic filing through <http://www.ferc.gov>, is preferred.

- **Electronic Filing:** Documents must be filed in acceptable native

applications and print-to-PDF, but not in scanned or picture format.

- For those unable to file electronically, comments may be filed by USPS mail or by hand (including courier) delivery.

- *Mail via U.S. Postal Service Only:*

Addressed to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.

- *Hand (including courier) delivery:* Deliver to: Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Instructions: OMB submissions must be formatted and filed in accordance with submission guidelines at www.reginfo.gov/public/do/PRAMain; Using the search function under the "Currently Under Review field," select Federal Energy Regulatory Commission; click "submit" and select "comment" to the right of the subject collection.

FERC submissions must be formatted and filed in accordance with submission guidelines at: <http://www.ferc.gov>. For user assistance, contact FERC Online Support by email at ferconlinesupport@ferc.gov, or by phone at: (866) 208–3676 (toll-free).

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at <http://www.ferc.gov>.

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at DataClearance@FERC.gov and telephone at (202) 502–8663.

SUPPLEMENTARY INFORMATION:

Title: Electric Rates Schedules and Tariff Filings.

OMB Control No.: 1902–0295.

Type of Request: Three-year revision and renewal of FERC–516G.

Type of Respondents: Independent System Operators (ISOs) and Regional Transmission Organizations (RTOs).

Abstract: In accordance with 18 CFR 35.28(g)(10), each RTO and ISO must post information regarding uplift on a publicly accessible portion of its website. In this context, "uplift" refers to payments that a regional grid operator makes to a resource whose commitment and dispatch result in a shortfall between the costs in the resource's offer and the revenue earned through market clearing prices. At minimum, the information must include:

- Uplift, paid in dollars, and categorized by transmission zone, day, and uplift category, to be posted within 20 calendar days of the end of each month;
- The resource name and the total amount of uplift paid in dollars

aggregated across the month to each resource that received uplift payments within the calendar month, to be posted within 90 calendar days of the end of each month; and

- Each operator-initiated commitment, listing the size of the commitment, transmission zone,

commitment reason,¹ and commitment start time, to be posted within 30 calendar days of the end of each month.

As originally cleared by OMB, FERC–516G also included a one-time requirement that ITOs and RTOs revise their tariffs in accordance with 18 CFR 35.28(g)(10)(iii). The relevant tariffs

have been revised, and FERC is now requesting removal of that information collection activity.

Estimate of Annual Burden: The estimated burden and cost² for the requirements contained in 18 CFR 35.28(g)(10) are as follows:

FERC–516G ANNUAL BURDEN ESTIMATES IN DOCKET NO. IC21–14–000

Type of response	Number of respondents	Annual number of responses per respondent	Total number of responses (Column B × Column C)	Average burden hours & cost per response	Total annual burden hours & cost (Column D × Column E)	Cost per respondent (Column F + Column B)
A.	B.	C.	D.	E.	F.	G.
Preparing and Posting of 3 reports on company website each month.	6	12	72	3 hrs.; \$202.14	216 hrs.; \$14,554.08	\$2,425.68

Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency’s estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: June 15, 2021.

Kimberly D. Bose,
Secretary.

[FR Doc. 2021–13375 Filed 6–23–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2146–111; Project No. 82–000; Project No. 618–000]

Alabama Power Company, Notice of Availability of The Draft Supplemental Environmental Impact Statement for The Coosa River Hydroelectric Project

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission’s (Commission)

regulations, 18 CFR part 380, the Office of Energy Projects has reviewed the application for a single new license for three currently separately licensed projects and has prepared a draft supplemental environmental impact statement (SEIS).¹ The single new operating license would combine the Coosa Hydroelectric Project (FERC No. 2146), which consists of the Weiss, H. Neely Henry, Logan Martin, Lay, and Bouldin developments, the Mitchell Dam Hydroelectric Project (FERC No. 82), and the Jordan Dam Hydroelectric Project (FERC No. 618) as one 960.9-megawatt (MW) project, the Coosa River Hydroelectric Project (Coosa River Project) No. 2146. The projects are located on the Coosa River, in the states of Alabama and Georgia, and occupy about 508.31 acres of federal land administered by the U.S. Bureau of Land Management and 5.75 acres of federal land administered by the U.S. Army Corps of Engineers.

The draft SEIS has been prepared to address the July 6, 2018 opinion issued by the United States Court of Appeals for the District of Columbia (court) regarding the Commission’s environmental review of the Coosa River Project, and supplements the final environmental assessment (FEA), issued December 31, 2009, for the project. The draft SEIS focuses on the following issues identified by the court as needing further analysis and expands upon the analysis contained within the FEA for these issues: (1) Dissolved oxygen; (2) fish entrainment and turbine mortality;

(3) federally listed threatened and endangered species; and (4) cumulative effects. The draft SEIS describes staff’s analysis of the applicant’s proposal and the alternatives for relicensing the project. The draft SEIS documents the views of governmental agencies, non-governmental organizations, affected Indian tribes, the public, the license applicant, and Commission staff.

The Commission provides all interested persons with an opportunity to view and/or print the draft SEIS 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), in a Presidential proclamation issued on March 13, 2020. For assistance, contact FERC Online Support at FERCOnlineSupport@ferc.gov, or toll-free at (866) 208–3676, or for TTY, (202) 502–8659.

You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Due to concerns with large gatherings related to COVID–19, we do not intend to conduct public meetings for the

¹ Commitment reasons may include, but are not limited to, system-wide capacity, constraint management, and voltage support.

² The hourly cost estimate is based on data from the Bureau of Labor Statistics for three occupational categories for 2020 involved in the reporting and recordkeeping requirements. These figures include salary (https://www.bls.gov/oes/current/oes_nat.htm) and benefits and are:

- Manager (Occupation Code 11–0000): \$97.15/hour.
- Electrical Engineer (Occupation Code 17–2071): \$70.19/hour.
- File Clerk (Occupation Code 43–4071): 34.70/hour.

The estimated hourly cost for the reporting requirement (\$67.38) is an average of the costs listed above.

¹ On July 16, 2020, the Council on Environmental Quality (CEQ) issued a final rule, Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act (Final Rule, 85 FR 43304), which was effective as of September 14, 2020; however, the NEPA review of this project was in process at that time and was prepared pursuant to CEQ’s 1978 NEPA regulations.

purpose of receiving comments on the draft SEIS. Instead, we are soliciting written comments, which must be filed within 60 days of this notice.

The Commission strongly encourages electronic filing. Please file comments using the Commission's eFiling system at <https://www.ferconline.ferc.gov/eFiling.aspx>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <https://ferconline.ferc.gov/QuickComment.aspx>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support. 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, Maryland 20852. The first page of any filing should include docket number P-2146-111.

Anyone may intervene in this proceeding based on this draft SEIS (18 CFR 380.10). You must file your request to intervene as specified above.² You do not need intervenor status to have your comments considered.

For further information, please contact Aaron Liberty at (202) 502-6862 or at aaron.liberty@ferc.gov.

Dated: June 17, 2021.

Kimberly D. Bose,
Secretary.

[FR Doc. 2021-13298 Filed 6-23-21; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP21-14-000]

Adelphia Gateway, LLC; Notice of Availability of the Draft Environmental Impact Statement for the Proposed Marcus Hook Electric Compression Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared a draft environmental impact statement (EIS) for the Marcus Hook Electric Compression Project (Project), proposed

by Adelphia Gateway, LLC (Adelphia) in the above-referenced docket. Adelphia requests authorization to construct and operate an additional compressor unit and ancillary facilities at its Marcus Hook Compressor Station in Delaware County, Pennsylvania. The Project purpose is to increase the certificated capacity of Adelphia's pipeline system to provide an additional 16,500 dekatherms per day of firm transportation service for a new shipper on Adelphia's system to an interconnection with Columbia Gas Transmission, LLC's pipeline system in New Castle County, Delaware.

The draft EIS incorporates by reference the Commission's February 9, 2021 Environmental Assessment (EA),¹ which addressed the potential environmental effects of the installation and operation of an electric motor-driven 3,000-horsepower compressor unit and ancillary facilities at the Marcus Hook Compressor Station. The draft EIS also responds to a protest and comments that were filed following issuance of the EA, provides additional discussion of climate change impacts in the region, and includes disclosure of downstream greenhouse gas emissions for the Project. With the exception of climate change impacts, the FERC staff concludes that approval of the proposed Project would not result in significant environmental impacts. FERC staff continues to be unable to determine significance with regards to climate change impacts.

The Commission mailed a copy of the *Notice of Availability of the Draft Environmental Impact Statement for the Proposed Marcus Hook Electric 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., CP21-14). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at FercOnlineSupport@ferc.gov or toll free at (866) 208-3676, or for TTY, contact (202) 502-8659.

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 completeness of the submitted alternatives, information and analyses, including climate impacts, 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 5:00 p.m. Eastern Time on August 9, 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 (CP21-14-000) 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

² Interventions may also be filed electronically via the internet in lieu of paper. See the previous discussion on filing comments electronically.

¹ The Project's Environmental Assessment is available on eLibrary under accession no. 20210209-3004.

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 17, 2021.

Kimberly D. Bose,
Secretary.

[FR Doc. 2021-13303 Filed 6-23-21; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC21-16-000]

Commission Information Collection Activities (FERC-582); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission, Department of Energy.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on a renewal of currently approved information collection FERC 582 (Electric Fees, Annual Charges, Waivers, and Exemptions), which will be submitted to the Office of Management and Budget (OMB) for review.

DATES: Comments on the collection of information are due July 26, 2021.

ADDRESSES: Send written comments on FERC-582 to OMB through www.reginfo.gov/public/do/PRAMain. Attention: Federal Energy Regulatory Commission Desk Officer. Please identify the OMB Control Number (1902-0132) in the subject line of your comments. Comments should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain.

Please submit copies of your comments to the Commission. You may submit copies of your comments (identified by Docket No. IC21-16-000) by one of the following methods:

Electronic filing through <http://www.ferc.gov>, is preferred.

- **Electronic Filing:** Documents must be filed in acceptable native applications and print-to-PDF, but not in scanned or picture format.

- For those unable to file electronically, comments may be filed by USPS mail or by hand (including courier) delivery.

- **Mail via U.S. Postal Service Only:** Addressed to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.

- **Hand (including courier) delivery:** Deliver to: Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Instructions: OMB submissions must be formatted and filed in accordance with submission guidelines at www.reginfo.gov/public/do/PRAMain. Using the search function under the "Currently Under Review" field, select Federal Energy Regulatory Commission; click "submit," and select "comment" to the right of the subject collection.

FERC submissions must be formatted and filed in accordance with submission guidelines at: <http://www.ferc.gov>. For user assistance, contact FERC Online Support by email at ferconlinesupport@ferc.gov, or by phone at: (866) 208-3676 (toll-free).

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at <https://www.ferc.gov/ferc-online/overview>.

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at DataClearance@FERC.gov, telephone at (202) 502-8663.

SUPPLEMENTARY INFORMATION:

Title: FERC-582, Electric Fees, Annual Charges, Waivers, and Exemptions.

OMB Control No.: 1902-0132.

Type of Request: Three-year extension of the FERC-582 information collection requirements with no changes to the current reporting requirements.

Abstract: The information required by FERC-582 is contained in Title 18 Code of Federal Regulations (CFR) Parts 381¹ and 382.²

The Commission uses the FERC-582 to implement the statutory provisions of the Independent Offices Appropriation Act of 1952 (IOAA)³ which authorizes the Commission to establish fees for its services. In addition, the Omnibus Budget Reconciliation Act of 1986 (OBRA)⁴ authorizes the Commission to assess and collect fees and annual charges in any fiscal year in amounts equal to all the costs incurred by the Commission in that fiscal year.

To comply with the FERC-582, respondents submit to the Commission the sum of the megawatt-hours (MWh) of all unbundled transmission (including MWh delivered in wheeling transactions and MWh delivered in exchange transactions) and the megawatt-hours of all bundled wholesale power sales (to the extent the bundled wholesale power sales were not separately reported as unbundled transmission). The data collected in the FERC-582 are drawn directly from the FERC Form 1 (Annual Report of Major Electric Utilities, Licensees and Others)⁵ transmission data. The Commission sums the costs of its electric regulatory program and subtracts all electric regulatory program filing fee collections to determine the total collectible electric regulatory program costs. Then, the Commission uses the data submitted under FERC-582 to determine the total megawatt-hours of transmission of electric energy

¹ 18 CFR, Sections 381.105, 381.106, 381.108, 381.302, and 381.305.

² 18 CFR, Sections 382.102, 382.103, 382.105, 382.106, and 382.201.

³ 31 U.S.C. 9701.

⁴ 42 U.S.C. 7178.

⁵ OMB Control No. 1902-0021, described in 18 CFR 141.1.

in interstate commerce. Respondents (public utilities and power marketers) subject to these annual charges must submit FERC-582 data to the Commission by April 30 of each year.⁶ The Commission issues bills for annual charges to respondents. Then, respondents must pay the charges

within 45 days of the Commission's issuance of the bill.

Respondents file requests for waivers and exemptions of fees and charges⁷ based on need. The Commission's staff uses the filer's financial information to evaluate the request for a waiver or exemption of the obligation to pay a fee

or an annual charge. The 60-day notice published to the **Federal Register** on April 16, 2021 and received no comments.⁸

*Estimate of Annual Burden:*⁹ The Commission estimates the burden and cost¹⁰ for this information collection as follows.

FERC-582, ELECTRIC FEES, ANNUAL CHARGES, WAIVERS, AND EXEMPTIONS DOCKET NO. IC21-16-000¹¹

Number of respondents (1)	Annual number of responses per respondent (2)	Total number of responses (1) × (2) = (3)	Average burden & cost per response (4)	Total annual burden hrs. & cost (3) * (4) = (5)	Cost per respondent (5) / (1) = (5)
53	1	53	2.39 hrs.; \$198.37	126.67 hrs.; \$10,513.61	\$198.37

Comments: Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: June 17, 2021.

Kimberly D. Bose,
Secretary.

[FR Doc. 2021-13296 Filed 6-23-21; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 10482-122: **Eagle Creek Hydro Power, LLC, Eagle Creek Water Resources, LLC, Eagle Creek Land Resources, LLC;** Project No. 10481-069: **Eagle Creek Hydro Power, LLC, Eagle Creek Water Resources, LLC, Eagle Creek Land Resources, LLC;** Project No. 9690-115: **Eagle Creek Hydro Power, LLC, Eagle Creek Water Resources, LLC, Eagle Creek Land Resources, LLC]**

Notice of Intent To Prepare an Environmental Assessment

On March 31, 2020, Eagle Creek Hydro Power, LLC, Eagle Creek Water Resources, LLC, and Eagle Creek Land Resources, LLC (co-licensees collectively referred to as Eagle Creek) jointly filed an application for a new license for each of the "Mongaup River Projects" consisting of: (1) The 7.85-megawatt (MW) Swinging Bridge Hydroelectric Project (Swinging Bridge Project); (2) the 4.0-MW Mongaup Falls Hydroelectric Project (Mongaup Falls Project); and (3) the 10.8-MW Rio Hydroelectric Project (Rio Project). The Swinging Bridge Project is located on the Mongaup River and Black Lake Creek in Sullivan County, New York. The Mongaup Falls Project is located on the Mongaup River and Black Brook in Sullivan County, New York. The Rio Project is located on the Mongaup River in Sullivan and Orange Counties, New

York. The projects do not occupy any federal land.

In accordance with the Commission's regulations, on January 29, 2021, Commission staff issued a notice that the project was ready for environmental analysis (REA notice).¹ Based on the information in the record, including comments filed on the REA notice and an Offer of Settlement (Settlement Agreement), filed on May 28, 2021, staff does not anticipate that licensing the project would constitute a major federal action significantly affecting the quality of the human environment. Therefore, staff intends to prepare a multi-project Environmental Assessment (EA) on the application to license each of the Mongaup River Projects.

The EA will be issued and circulated for review by all interested parties. All comments filed on the EA will be analyzed by staff and considered in the Commission's final licensing decision.

The application will be processed according to the following schedule. Revisions to the schedule may be made as appropriate.

Milestone	Target date
Commission issues EA	October 2021. ²
Comments on EA	November 2021.

Any questions regarding this notice may be directed to Nicholas Ettema at (312) 596-4447 or nicholas.ettema@ferc.gov.

to file comments on the REA Notice and reply comments as May 28 and July 12, 2021, respectively.

² The Council on Environmental Quality's (CEQ) regulations under 40 CFR 1501.10(b)(1) require that EAs be completed within 1 year of the federal action agency's decision to prepare an EA. This notice establishes the Commission's intent to prepare an EA for the Mongaup River Projects. Therefore, in accordance with CEQ's regulations, the EA must be issued within 1 year of the issuance date of this notice.

⁶ 18 CFR 382.201.

⁷ 18 CFR parts 381 and 382.

⁸ 86 FR 20133.

⁹ Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, refer to 5 CFR part 1320.

¹⁰ The Commission staff estimates that the average respondent for this collection is similarly situated to the Commission, in terms of salary plus

benefits. Based on FERC's 2020 annual average of \$172,329 (for salary plus benefits), the average hourly cost is \$83/hour.

¹¹ This includes requirements of 18 CFR 381.105 (methods of payment), 381.106 (waiver), 381.108 (exemption), 381.302 (declaratory order), 381.303 (review of DOE remedial order), 381.304 (DOE denial of adjustment), and 381.305 (OGC interpretation).

¹ On March 19, 2021, the Commission granted a 59-day extension of time of the procedural schedule identified in the REA Notice, setting the deadlines

Dated: June 14, 2021.

Kimberly D. Bose,
Secretary.

[FR Doc. 2021-13378 Filed 6-23-21; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL21-75-000]

Tri-State Generation and Transmission Association, Inc.; Notice of Order To Show Cause, Instituting Section 206 Proceeding and Refund Effective Date

On June 17, 2021, the Commission issued an order in Docket No. EL21-75-000, pursuant to section 206 of the Federal Power Act (FPA), 16 U.S.C. 824e, instituting an investigation into whether Tri-State Generation and Transmission Association, Inc.'s Open Access Transmission Tariff, Bylaws, and Rate Schedules are unjust, unreasonable, or unduly discriminatory or preferential. *Tri-State Generation and Transmission Association, Inc.*, 175 FERC ¶ 61,229 (2021).

The refund effective date in Docket No. EL21-75-000, established pursuant to section 206(b) of the FPA, will be the date of publication of this notice in the **Federal Register**.

Any interested person desiring to be heard in Docket No. EL21-75-000 must file a notice of intervention or motion to intervene, as appropriate, with the Federal Energy Regulatory Commission, in accordance with Rule 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.214 (2020), within 21 days of the date of issuance of the order.

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 TTY, (202) 502-8659.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the "eFile" link at <http://www.ferc.gov>. 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, Maryland 20852.

Dated: June 17, 2021.

Debbie-Anne A. Reese,
Deputy Secretary.

[FR Doc. 2021-13443 Filed 6-23-21; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10-3166-004; ER10-1285 012; ER10-1287 013; ER10-1346 008; ER10-1348 008; ER10-2959 017; ER12-2676 001; ER20-1604 002.

Applicants: Cadillac Renewable Energy LLC, Chambers Cogeneration, Limited Partnership, Craven County Wood Energy Limited Partnership, Frederickson Power L.P., Grayling Generating Station Limited Partnership, Manchief Power Company LLC, Piedmont Green Power, LLC, EF Oxnard LLC.

Description: Notice of Change in Status of Cadillac Renewable Energy LLC, et al.

Filed Date: 6/11/21.

Accession Number: 20210611-5154.

Comments Due: 5 p.m. ET 7/2/21.

Docket Numbers: ER11-2534-007; ER16-2234 004.

Applicants: Morris Cogeneration, LLC, EF Kenilworth LLC.

Description: Compliance filing: Change in Status Filing to be effective 6/12/2021.

Filed Date: 6/11/21.

Accession Number: 20210611-5116.

Comments Due: 5 p.m. ET 7/2/21.

Docket Numbers: ER20-2411-001.

Applicants: Midcontinent

Independent System Operator, Inc.

Description: Compliance filing: 2021-06-14 SA 2959 NSP-Stoneray Power Partners Sub 2nd Rev GIA (J426) to be effective 4/15/2021.

Filed Date: 6/14/21.

Accession Number: 20210614-5074.

Comments Due: 5 p.m. ET 7/6/21.

Docket Numbers: ER20-2412-002.

Applicants: Midcontinent

Independent System Operator, Inc.

Description: Compliance filing: 2021-06-14 SA 3513 NSP-Stoneray Power Partners Sub Original FSA (J426) to be effective 4/15/2021.

Filed Date: 6/14/21.

Accession Number: 20210614-5078.

Comments Due: 5 p.m. ET 7/6/21.

Docket Numbers: ER20-2423-001.

Applicants: Midcontinent

Independent System Operator, Inc.

Description: Compliance filing: 2021-06-14 SA 2852 NSP-GRE-WMMPA-OTP-CMMPA-Red Pine Wind Sub 1st Rev FCA (H081) to be effective 4/15/2021.

Filed Date: 6/14/21.

Accession Number: 20210614-5102.

Comments Due: 5 p.m. ET 7/6/21.

Docket Numbers: ER20-2424-002.

Applicants: Midcontinent

Independent System Operator, Inc.

Description: Compliance filing: 2021-06-14 SA 3520 OTP-Red Pine Wind Substitute FSA (H081) to be effective 4/15/2021.

Filed Date: 6/14/21.

Accession Number: 20210614-5113.

Comments Due: 5 p.m. ET 7/6/21.

Docket Numbers: ER20-2438-001.

Applicants: Midcontinent

Independent System Operator, Inc.

Description: Compliance filing: 2021-06-14 SA 2885 NSP-Marshall Solar Sub 2nd Rev GIA (J400) to be effective 4/15/2021.

Filed Date: 6/14/21.

Accession Number: 20210614-5064.

Comments Due: 5 p.m. ET 7/6/21.

Docket Numbers: ER20-2439-002.

Applicants: Midcontinent

Independent System Operator, Inc.

Description: Compliance filing: 2021-06-14 SA 3514 NSP-Marshall Solar Sub FSA (J400) to be effective 4/15/2021.

Filed Date: 6/14/21.

Accession Number: 20210614-5066.

Comments Due: 5 p.m. ET 7/6/21.

Docket Numbers: ER21-1505-001.

Applicants: Diablo Energy Storage,

LLC.

Description: Tariff Amendment: Response to Request for Additional Information to be effective 4/1/2021.

Filed Date: 6/14/21.

Accession Number: 20210614-5108.

Comments Due: 5 p.m. ET 7/6/21.

Docket Numbers: ER21-1768-001.

Applicants: Light Power & Gas LLC.

Description: Tariff Amendment: LPG Revised MBR Tariff Filing to be effective 6/1/2021.

Filed Date: 6/14/21.
Accession Number: 20210614–5068.
Comments Due: 5 p.m. ET 7/6/21.
Docket Numbers: ER21–2126–000.
Applicants: American Electric Power Service Corporation, Ohio Power Company, PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: AEP submits Two FAs re: ILDSA SA No. 1336 to be effective 8/14/2021.
Filed Date: 6/14/21.
Accession Number: 20210614–5040.
Comments Due: 5 p.m. ET 7/6/21.
Docket Numbers: ER21–2127–000.
Applicants: AEP Texas Inc.
Description: § 205(d) Rate Filing: AEPTX–AP Solar 4 (Charger Solar) GIA to be effective 6/5/2021.
Filed Date: 6/14/21.
Accession Number: 20210614–5045.
Comments Due: 5 p.m. ET 7/6/21.
Docket Numbers: ER21–2128–000.
Applicants: OHAM WHAM8 SOLAR, LLC.
Description: Baseline eTariff Filing: Application for Market-Based Rate Authorization under Section 205 of the FPA to be effective 8/14/2021.
Filed Date: 6/14/21.
Accession Number: 20210614–5046.
Comments Due: 5 p.m. ET 7/6/21.
Docket Numbers: ER21–2129–000.
Applicants: 276FED WHAM8 SOLAR, LLC.
Description: Baseline eTariff Filing: Application for Market-Based Rate Authorization under Section 205 of the FPA to be effective 8/14/2021.
Filed Date: 6/14/21.
Accession Number: 20210614–5047.
Comments Due: 5 p.m. ET 7/6/21.
Docket Numbers: ER21–2130–000.
Applicants: Public Service Company of Oklahoma.
Description: § 205(d) Rate Filing: PSO–AECI Mazie Delivery Point Agreement to be effective 6/5/2021.
Filed Date: 6/14/21.
Accession Number: 20210614–5049.
Comments Due: 5 p.m. ET 7/6/21.
Docket Numbers: ER21–2131–000.
Applicants: AEP Texas Inc.
Description: § 205(d) Rate Filing: AEPTX–BRP Antlia BESS GIA to be effective 6/5/2021.
Filed Date: 6/14/21.
Accession Number: 20210614–5054.
Comments Due: 5 p.m. ET 7/6/21.
Docket Numbers: ER21–2132–000.
Applicants: Florida Power & Light Company.
Description: § 205(d) Rate Filing: FPL–Seminole Amendments to Exhibit A of Contract for Interconnected Operations to be effective 6/1/2021.
Filed Date: 6/14/21.
Accession Number: 20210614–5067.

Comments Due: 5 p.m. ET 7/6/21.
Docket Numbers: ER21–2133–000.
Applicants: Midcontinent Independent System Operator, Inc., AEP Indiana Michigan Transmission Company.
Description: Compliance filing: 2021–06–14 AEP IMTCO Compliance Filing to be effective 4/15/2021.
Filed Date: 6/14/21.
Accession Number: 20210614–5098.
Comments Due: 5 p.m. ET 7/6/21.
Docket Numbers: ER21–2134–000.
Applicants: Basin Electric Power Cooperative.
Description: Tariff Cancellation: Basin Electric Notice of Cancellation for Service Agreement No. 26 to be effective 3/2/2021.

Filed Date: 6/14/21.
Accession Number: 20210614–5111.
Comments Due: 5 p.m. ET 7/6/21.
 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 14, 2021.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2021–13422 Filed 6–23–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP21–446–000]

ANR Pipeline Company; Notice of Scoping Period Requesting Comments on Environmental Issues for The Proposed Skunk River Replacement Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental document, that will

discuss the environmental impacts of the Skunk River Replacement Project involving the abandonment and construction of facilities by ANR Pipeline Company (ANR) in Henry County, Iowa. The Commission will use this environmental document in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies regarding the project. As part of the National Environmental Policy Act (NEPA) review process, the Commission takes into account concerns the public may have about proposals and the environmental impacts that could result from its action whenever it considers issuing a Certificate of Public Convenience and Necessity. This gathering of public input is referred to as “scoping.” The main goal of the scoping process is to focus the analysis in the environmental document on the important environmental issues. Additional information about the Commission's NEPA process is described below in the *NEPA Process and Environmental Document* section of this notice.

By this notice, the Commission requests public comments on the scope of issues to address in the environmental document. To ensure that your comments are timely and properly recorded, please submit your comments so that the Commission receives them in Washington, DC on or before 5:00 pm Eastern Time on July 17, 2021. Comments may be submitted in written form. Further details on how to submit comments are provided in the *Public Participation* section of this notice.

Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. Your input will help the Commission staff determine what issues they need to evaluate in the environmental document. Commission staff will consider all written comments during the preparation of the environmental document.

If you submitted comments on this project to the Commission before the opening of this docket on May 20, 2021, you will need to file those comments in Docket No. CP21–446–000 to ensure they are considered as part of this proceeding.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives should

notify their constituents of this proposed project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The company would seek to negotiate a mutually acceptable easement agreement. You are not required to enter into an agreement. However, if the Commission approves the project, the Natural Gas Act conveys the right of eminent domain to the company. Therefore, if you and the company do not reach an easement agreement, the pipeline company could initiate condemnation proceedings in court. In such instances, compensation would be determined by a judge in accordance with state law. The Commission does not subsequently grant, exercise, or oversee the exercise of that eminent domain authority. The courts have exclusive authority to handle eminent domain cases; the Commission has no jurisdiction over these matters.

ANR provided landowners with a fact sheet prepared by the FERC entitled “*An Interstate Natural Gas Facility On My Land? What Do I Need To Know?*” which addresses typically asked questions, including the use of eminent domain and how to participate in the Commission’s proceedings. This fact sheet along with other landowner topics of interest are available for viewing on the FERC website (www.ferc.gov) under the *Natural Gas Questions or Landowner Topics* link.

Public Participation

There are three methods you can use to submit your comments to the Commission.

Please carefully follow these instructions so that your comments are properly recorded. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or FercOnlineSupport@ferc.gov.

(1) You can file your comments electronically using the *eComment* feature, which is located on the Commission’s website (www.ferc.gov) under the link to *FERC Online*. Using *eComment* 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, which is located 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*.” You will be asked to select the type of filing you are making; a comment on a particular project is considered a “Comment on a Filing”; 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 (CP21–446–000) 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.

Additionally, the Commission offers a free service called *eSubscription* which makes it easy to stay informed of all issuances and submittals regarding the dockets/projects to which you subscribe. These instant email notifications are the fastest way to receive notification and provide a link to the document files which can reduce the amount of time you spend researching proceedings. Go to <https://www.ferc.gov/ferc-online/overview> to register for *eSubscription*.

Summary of the Proposed Project

Specifically, ANR seeks authority to abandon, remove, and construct pipeline facilities in Henry County, Iowa, as follows:

- Construction of approximately 1,880 feet of 24-inch-diameter pipeline using horizontal directional drill method;
- abandonment in-place of approximately 1,500 feet of 24-inch-diameter pipeline; and
- removal of approximately 380 feet of 24-inch-diameter pipeline.

The general location of the project facilities is shown in appendix 1.¹

Land Requirements for Construction

Land requirements for the proposed Project total approximately 22 acres, with operation of the pipeline requiring

5.1 acres. The land requirements for the Project include the existing permanent right-of-way, additional temporary workspace areas, a contractor staging area, and temporary access roads.

NEPA Process and the Environmental Document

Any environmental document issued by the Commission will discuss impacts that could occur as a result of the construction and operation of the proposed project under the relevant general resource areas:

- Geology and soils;
- water resources and wetlands;
- vegetation and wildlife;
- threatened and endangered species;
- cultural resources;
- land use;
- air quality and noise; and
- reliability and safety.

Commission staff will also evaluate reasonable alternatives to the proposed project or portions of the project and make recommendations on how to lessen or avoid impacts on the various resource areas. Your comments will help Commission staff identify and focus on the issues that might have an effect on the human environment and potentially eliminate others from further study and discussion in the environmental document.

Following this scoping period, Commission staff will determine whether to prepare an Environmental Assessment (EA) or an Environmental Impact Statement (EIS). The EA or the EIS will present Commission staff’s independent analysis of the issues. If Commission staff prepares an EA, a *Notice of Schedule for the Preparation of an Environmental Assessment* will be issued. The EA may be issued for an allotted public comment period. The Commission would consider timely comments on the EA before making its decision regarding the proposed project. If Commission staff prepares an EIS, a *Notice of Intent to Prepare an EIS/ Notice of Schedule* will be issued, which will open up an additional comment period. Staff will then prepare a draft EIS which will be issued for public comment. Commission staff will consider all timely comments received during the comment period on the draft EIS and revise the document, as necessary, before issuing a final EIS. Any EA or draft and final EIS will be available in electronic format in the public record through *eLibrary*² and the Commission’s natural gas environmental documents web page (<https://www.ferc.gov/industries-data/>

¹ The appendices referenced in this notice will not appear in the *Federal Register*. Copies of the appendices were sent to all those receiving this notice in the mail and are available at www.ferc.gov using the link called “*eLibrary*”. For instructions on connecting to *eLibrary*, refer to the last page of this notice. 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, (866) 208–3676 or TTY (202) 502–8659.

² For instructions on connecting to *eLibrary*, refer to the last page of this notice.

natural-gas/environmental/environmental-documents). If eSubscribed, you will receive instant email notification when the environmental document is issued.

With this notice, the Commission is asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues of this project to formally cooperate in the preparation of the environmental document.³

Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the *Public Participation* section of this notice.

Consultation Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, the Commission is using this notice to initiate consultation with the applicable State Historic Preservation Office(s), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties.⁴ The environmental document for this project will document findings on the impacts on historic properties and summarize the status of consultations under section 106.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project and includes a mailing address with their comments. Commission staff will update the environmental mailing list as the analysis proceeds to ensure that Commission notices related to this

³ The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, Section 1501.6.

⁴ The Advisory Council on Historic Preservation's regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

environmental review are sent to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project.

If you need to make changes to your name/address, or if you would like to remove your name from the mailing list, please complete one of the following steps:

(1) Send an email to GasProjectAddressChange@ferc.gov stating your request. You must include the docket number CP21-446-000 in your request. If you are requesting a change to your address, please be sure to include your name and the correct address. If you are requesting to delete your address from the mailing list, please include your name and address as it appeared on this notice. This email address is unable to accept comments.

OR

(2) Return the attached "Mailing List Update Form" (appendix 2).

Additional Information

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.

Public sessions or site visits will be posted on the Commission's calendar located at <https://www.ferc.gov/news-events/events> along with other related information.

Dated: June 17, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021-13295 Filed 6-23-21; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP21-457-000]

Dominion Energy Questar Pipeline, LLC; Notice of Request Under Blanket Authorization and Establishing Intervention and Protest Deadline

Take notice that on June 3, 2021, Dominion Energy Questar Pipeline, LLC, (DEQP), 333 South State Street, Salt Lake City, Utah 84111 filed in the above referenced docket a prior notice pursuant to its blanket certificate authority granted in Docket No. CP82-491-000¹ and sections 157.205, 157.208 and 157.210 of the Federal Energy Regulatory Commission's regulations under the Natural Gas Act, requesting authorization to construct facilities and make automation and communication updates at the Skull Creek Compressor Station (Skull Creek CS). The Skull Creek Expansion Project (Project) proposes to remove a capacity constraint at Skull Creek CS and thereby restore the operationally available capacity on Main Line (ML) 86 by 17,750 Dth/d, while remaining within the currently certificated capacity of the existing facilities. DEQP owns and operates Skull Creek CS, located on ML 86, near the border of Colorado in Sweetwater County, WY. ML 86 extends perpendicularly from DEQP's ML 22/23 Junction located in Moffat County, CO, approximately 26 miles north to the Southern Star Central Gas Pipeline, Inc (Southern Star) interconnect located in the southeast section of Sweetwater County, WY. The project will cause no adverse impacts or reduction of service to any existing customers on DEQP. The estimated cost for the Project is approximately \$1,322,000, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://ferc.gov>) using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National

¹ *Mountain Fuel Resources, Inc.*, 20 FERC ¶ 62,580 (1982).

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.

Any questions concerning this application should be directed to Mark C. Stevens, General Manager Regulatory Affairs, (804) 399-2890, mark.c.stevens@dominionenergy.com, Dominion Energy Services, Inc., 120 Tredegar Street-3rd Floor, Richmond, VA 23219.

Public Participation

There are three ways to become involved in the Commission's review of this project: You can file a protest to the project, you can file a motion to intervene in the proceeding, and you can file comments on the project. There is no fee or cost for filing protests, motions to intervene, or comments. The deadline for filing protests, motions to intervene, and comments is 5:00 p.m. Eastern Time on August 13, 2021. How to file protests, motions to intervene, and comments is explained below.

Protests

Pursuant to section 157.205 of the Commission's regulations under the NGA,² any person³ or the Commission's staff may file a protest to the request. If no protest is filed within the time allowed or if a protest is filed and then withdrawn within 30 days after the allowed time for filing a protest, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request for authorization will be considered by the Commission.

Protests must comply with the requirements specified in section 157.205(e) of the Commission's regulations,⁴ and must be submitted by the protest deadline, which is August 13, 2021. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

Interventions

Any person has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders

issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure⁵ and the regulations under the NGA⁶ by the intervention deadline for the project, which is August 13, 2021. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at <https://www.ferc.gov/resources/guides/how-to-intervene.asp>.

All timely, unopposed motions to intervene are automatically granted by operation of Rule 214(c)(1). Motions to intervene that are filed after the intervention deadline are untimely and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Comments

Any person wishing to comment on the project may do so. The Commission considers all comments received about the project in determining the appropriate action to be taken. To ensure that your comments are timely and properly recorded, please submit your comments on or before August 13, 2021. The filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding.

How To File Protests, Interventions, and Comments

There are two ways to submit protests, motions to intervene, and comments. In both instances, please reference the Project docket number CP21-457-000 in your submission.

(1) You may file your protest, motion to intervene, and comments by using the Commission's eFiling feature, which is located on the Commission's website (www.ferc.gov) under the link to Documents and Filings. New eFiling users must first create an account by clicking on "eRegister." You will be asked to select the type of filing you are making; first select "General" and then select "Protest", "Intervention", or "Comment on a Filing"; or⁷

(2) You can file a paper copy of your submission by mailing it to the address below.⁸ Your submission must reference the Project docket number CP21-457-000.

Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426

The Commission encourages electronic filing of submissions (option 1 above) and has eFiling staff available to assist you at (202) 502-8258 or FercOnlineSupport@ferc.gov.

Protests and motions to intervene must be served on the applicant either by mail or email (with a link to the document) at mark.c.stevens@dominionenergy.com, 120 Tredegar Street—3rd Floor, Richmond, VA 23219. Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from the Commission's Office of External Affairs, at (866) 208-FERC, or on the FERC website at www.ferc.gov using the "eLibrary" link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings

⁷ Additionally, you may file your comments electronically by using the eComment feature, which is located on the Commission's website at www.ferc.gov under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project.

⁸ Hand-delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

² 18 CFR 157.205.

³ Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

⁴ 18 CFR 157.205(e).

⁵ 18 CFR 385.214.

⁶ 18 CFR 157.10.

by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to www.ferc.gov/docs-filing/esubscription.asp.

Dated: June 14, 2021.

Kimberly D. Bose,
Secretary.

[FR Doc. 2021-13372 Filed 6-23-21; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP21-895-000.

Applicants: Midcontinent Express Pipeline LLC.

Description: § 4(d) Rate Filing; Castleton FTS Negotiated Rate to be effective 7/1/2021.

Filed Date: 6/10/21.

Accession Number: 20210610-5113.

Comments Due: 5 p.m. ET 6/22/21.

Docket Numbers: RP21-896-000.

Applicants: Midcontinent Express Pipeline LLC.

Description: § 4(d) Rate Filing; Tenaska FTS Negotiated Rate to be effective 7/1/2021.

Filed Date: 6/10/21.

Accession Number: 20210610-5115.

Comments Due: 5 p.m. ET 6/22/21.

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 14, 2021.

Debbie-Anne A. Reese,
Deputy Secretary.

[FR Doc. 2021-13421 Filed 6-23-21; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. P-2735-100]

Pacific Gas and Electric Company; Notice of Intent To File License Application, Filing of Pre-Application Document, Approving Use of The Traditional Licensing Process

a. *Type of Filing:* Notice of Intent to File License Application and Request to Use the Traditional Licensing Process.

b. *Project No.:* P-2735-100.

c. *Date Filed:* April 19, 2021.

d. *Submitted By:* Pacific Gas and Electric Company (PG&E).

e. *Name of Project:* Helms Pumped Storage Project.

f. *Location:* About 50 miles northeast of the city of Fresno, on the North Fork Kings River and Helms Creek, in Fresno and Madera Counties, California. The project occupies 3,354.59 acres of National Forest Service land, 28.36 acres of Bureau of Reclamation land, 0.84 acres of Bureau of Land Management land.

g. *Filed Pursuant to:* 18 CFR 5.3 and 5.5 of the Commission's regulations.

h. *Potential Applicant Contact(s):* Maureen Zawalick, 77 Beale Street, San Francisco, CA 94105; (805) 545-4242; maureen.zawalick@pge.com; or Jennifer Post, Esq., 77 Beale Street, San Francisco, CA 94105; (415) 973-9809; jennifer.post@pge.com.

i. *FERC Contact:* Evan Williams at (202) 502-8462 or evan.williams@ferc.gov.

j. PG&E filed its request to use the Traditional Licensing Process on April 19, 2021, and provided public notice of its request on April 17, 2021 and April 18, 2021. In a letter dated June 16, 2021, the Director of the Division of Hydropower Licensing approved PG&E's request to use the Traditional Licensing Process.

k. With this notice, we are initiating informal consultation with the U.S. Fish and Wildlife Service and/or NOAA Fisheries under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR, part 402; and NOAA Fisheries under section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act and implementing regulations at 50 CFR 600.920. We are also initiating consultation with the California State Historic Preservation Officer, as required by section 106, National Historic Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. With this notice, we are designating PG&E as the Commission's non-federal representative for carrying out informal consultation pursuant to section 7 of the Endangered Species Act and section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act; and consultation pursuant to section 106 of the National Historic Preservation Act.

m. PG&E filed a Pre-Application Document (PAD; including a proposed process plan and schedule) with the Commission, pursuant to 18 CFR 5.6 of the Commission's regulations.

n. A copy of the PAD may be viewed and/or printed on the Commission's website (<http://www.ferc.gov>), using the "eLibrary" link. Enter the docket number, excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID-19), issued on March 13, 2020. For assistance, contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY).

o. The licensee states its unequivocal intent to submit an application for a new license for Project No. P-2735-100. Pursuant to 18 CFR 16.8, 16.9, and 16.10 each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by April 30, 2024.

p. Register online at <https://ferconline.ferc.gov/ferconline.aspx> to be notified via email of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Dated: June 17, 2021.

Kimberly D. Bose,
Secretary.

[FR Doc. 2021-13300 Filed 6-23-21; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL21-82-000]

Jackson Generation, LLC v. PJM Interconnection, LLC; Notice of Complaint

Take notice that on June 9, 2021, pursuant to sections 206 and 306 of the Federal Power Act, 16 U.S.C. 824e and

825e and Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206, Jackson Generation, LLC (Complainant) filed a formal complaint against PJM Interconnection, L.L.C. (PJM or Respondent), requesting that the Commission find that PJM violated Section 6.2(c) of Attachment DD to the PJM Open Access Transmission Tariff by failing to file a report on mitigation determinations within seven days of the deadline for submitting offers into the Base Residual Auction for the 2022/2023 delivery year, all as more fully explained in its complaint.

The Complainant certifies that copies of the complaint were served on the contacts listed for Respondent in the Commission's list of Corporate Officials.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainant.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>) using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID-19), issued

by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at FERCOnlineSupport@ferc.gov, or call toll-free, (886) 208-3676 or TTY, (202) 502-8659.

Comment Date: 5:00 p.m. Eastern Time on June 29, 2021.

Dated: June 11, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021-13373 Filed 6-23-21; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER21-1772-000, ER21-1774-000, ER21-1775-000]

PacifiCorp, Sierra Pacific Power Company, Nevada Power Company; Notice Addressing Motion for Expedited Action

On June 10, 2021, PacifiCorp, Sierra Pacific Power Company, and Nevada Power Company filed a motion requesting expedited action on pending market-based rate tariff amendments filed in the above-captioned dockets. The motion requested action no later than June 14, 2021.

Upon consideration, notice is hereby given that the Commission will not take action by today, June 14, 2021, as requested. The Commission intends to address the merits of the filings in a subsequent order.

Dated: June 14, 2021..

Kimberly D. Bose,

Secretary.

[FR Doc. 2021-13370 Filed 6-23-21; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER19-2547-000;

ER19-2547-001; ER19-2547-002.

Applicants: Pheasant Run Wind, LLC.

Description: Refund Report of

Pheasant Run Wind, LLC.

Filed Date: 6/16/21.

Accession Number: 20210616-5130.

Comments Due: 5 p.m. ET 7/7/21.

Docket Numbers: ER21-1727-001.

Applicants: Morgan Stanley Capital Group Inc.

Description: Tariff Amendment: Amendment to 28 to be effective 4/23/2021.

Filed Date: 6/17/21.

Accession Number: 20210617-5074.

Comments Due: 5 p.m. ET 7/8/21.

Docket Numbers: ER21-1731-001.

Applicants: TAQA Gen X LLC.

Description: Tariff Amendment: Amendment to 23 to be effective 4/23/2021.

Filed Date: 6/17/21.

Accession Number: 20210617-5070.

Comments Due: 5 p.m. ET 7/8/21.

Docket Numbers: ER21-1881-000.

Applicants: Grand Tower Energy Center, LLC.

Description: Supplement to May 11, 2021 Notice of Cancellation of Grand Tower Energy Center, LLC.

Filed Date: 6/15/21.

Accession Number: 20210615-5158.

Comments Due: 5 p.m. ET 7/6/21.

Docket Numbers: ER21-2150-000.

Applicants: Tri-State Generation and Transmission Association, Inc.

Description: § 205(d) Rate Filing: Amendment to Rate Schedule FERC No. 126 to be effective 4/20/2021.

Filed Date: 6/17/21.

Accession Number: 20210617-5024.

Comments Due: 5 p.m. ET 7/8/21.

Docket Numbers: ER21-2151-000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to ISA, SA No. 2195; Queue No. X1-074 (amend) to be effective 8/28/2014.

Filed Date: 6/17/21.

Accession Number: 20210617-5036.

Comments Due: 5 p.m. ET 7/8/21.

Docket Numbers: ER21-2152-000.

Applicants: BP Energy Company.

Description: Compliance filing: New eTariff Baseline Filing to be effective 7/6/2021.

Filed Date: 6/17/21.

Accession Number: 20210617-5047.

Comments Due: 5 p.m. ET 7/8/21.

Docket Numbers: ER21-2154-000.

Applicants: Arizona Public Service Company.

Description: § 205(d) Rate Filing: Service Agreement Nos. 389 and 391 to be effective 6/1/2021.

Filed Date: 6/17/21.

Accession Number: 20210617-5063.

Comments Due: 5 p.m. ET 7/8/21.

Docket Numbers: ER21-2155-000.

Applicants: PacifiCorp.

Description: § 205(d) Rate Filing:

Heber Light Const Agmt 2nd POD

Daniels Sub to be effective 8/17/2021.

Filed Date: 6/17/21.

Accession Number: 20210617-5067.

Comments Due: 5 p.m. ET 7/8/21.

Docket Numbers: ER21–2156–000.
Applicants: Antelope Expansion 1B, LLC.

Description: Baseline eTariff Filing: Antelope Expansion 1B, LLC MBR Tariff to be effective 7/1/2021.

Filed Date: 6/17/21.

Accession Number: 20210617–5081.

Comments Due: 5 p.m. ET 7/8/21.

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 17, 2021.

Debbie-Anne A. Reese,
Deputy Secretary.

[FR Doc. 2021–13439 Filed 6–23–21; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2021–0146; FRL–10024–82]

Certain New Chemicals or Significant New Uses; Statements of Findings for March 2021

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Toxic Substances Control Act (TSCA) requires EPA to publish in the **Federal Register** a statement of its findings after its review of certain TSCA notices when EPA makes a finding that a new chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment. Such statements apply to premanufacture notices (PMNs), microbial commercial activity notices (MCANs), and significant new use notices (SNUNs) submitted to EPA under TSCA. This document presents statements of findings made by EPA on such submissions during the period from March 1, 2021 to March 31, 2021.

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Rebecca Edelstein, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: 202–564–1667 email address: Edelstein.rebecca@epa.gov.

For general information contact: The TSCA–Hotline, ABVI–Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: TSCA-Hotline@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general. As such, the Agency has not attempted to describe the specific entities that this action may apply to. Although others may be affected, this action applies directly to the submitters of the PMNs addressed in this action.

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPPT–2021–0146, is available at <http://www.regulations.gov> or at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280.

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

II. What action is the Agency taking?

This document lists the statements of findings made by EPA after review of notices submitted under TSCA section 5(a) that certain new chemical substances or significant new uses are not likely to present an unreasonable risk of injury to health or the environment. This document presents statements of findings made by EPA

during the period from March 1, 2021 to March 31, 2021.

III. What is the Agency's authority for taking this action?

TSCA section 5(a)(3) requires EPA to review a TSCA section 5(a) notice and make one of the following specific findings:

- The chemical substance or significant new use presents an unreasonable risk of injury to health or the environment;
- The information available to EPA is insufficient to permit a reasoned evaluation of the health and environmental effects of the chemical substance or significant new use;
- The information available to EPA is insufficient to permit a reasoned evaluation of the health and environmental effects and the chemical substance or significant new use may present an unreasonable risk of injury to health or the environment;
- The chemical substance is or will be produced in substantial quantities, and such substance either enters or may reasonably be anticipated to enter the environment in substantial quantities or there is or may be significant or substantial human exposure to the substance; or
- The chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment.

Unreasonable risk findings must be made without consideration of costs or other non-risk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant under the conditions of use. The term “conditions of use” is defined in TSCA section 3 to mean “the circumstances, as determined by the Administrator, under which a chemical substance is intended, known, or reasonably foreseen to be manufactured, processed, distributed in commerce, used, or disposed of.”

EPA is required under TSCA section 5(g) to publish in the **Federal Register** a statement of its findings after its review of a TSCA section 5(a) notice when EPA makes a finding that a new chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment. Such statements apply to PMNs, MCANs, and SNUNs submitted to EPA under TSCA section 5.

Anyone who plans to manufacture (which includes import) a new chemical substance for a non-exempt commercial purpose and any manufacturer or processor wishing to engage in a use of a chemical substance designated by EPA

as a significant new use must submit a notice to EPA at least 90 days before commencing manufacture of the new chemical substance or before engaging in the significant new use.

The submitter of a notice to EPA for which EPA has made a finding of “not likely to present an unreasonable risk of injury to health or the environment” may commence manufacture of the chemical substance or manufacture or processing for the significant new use

notwithstanding any remaining portion of the applicable review period.

IV. Statements of Administrator Findings Under TSCA Section 5(a)(3)(C)

In this unit, EPA provides the following information (to the extent that such information is not claimed as Confidential Business Information (CBI)) on the PMNs, MCANs and SNUNs for which, during this period, EPA has made findings under TSCA section 5(a)(3)(C) that the new chemical

substances or significant new uses are not likely to present an unreasonable risk of injury to health or the environment:

- EPA case number assigned to the TSCA section 5(a) notice.
- Chemical identity (generic name, if the specific name is claimed as CBI).
- Website link to EPA’s decision document describing the basis of the “not likely to present an unreasonable risk” finding made by EPA under TSCA section 5(a)(3)(C).

EPA Case No.	Chemical identity	Website link
J-20-0019, J-20-0020, J-20-0021, J-20-0022, J-20-0023, J-20-0024. P-20-0167	<i>Saccharomyces cerevisiae</i> modified (Generic Name)	https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-506 .
J-21-0007, J-21-0008, J-21-0009. P-21-0051	Phenylene, alkyl and polycarbonmonocycle substituted, 1,2-dicarboxylate (Generic Name). Biofuel producing <i>Saccharomyces cerevisiae</i> modified, genetically stable (Generic Name). Fatty Acids, C18-unsatd., dimers, hydrogenated, polymers with 2-hydroxyethyl-terminated hydrogenated polybutadiene, bis(2,5-dihydro-2,5-dioxo-1H-pyrrole-1-hexanoate); CASRN: 2506146-94-5.	https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-503 . https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-502 . https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-500 .
P-20-0025	Octadecanoic acid, 12-(acetox)-, 2-ethylhexyl ester; CASRN 61800-40-6.	https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-499 .

Authority: 15 U.S.C. 2601 *et seq.*

Dated: June 11, 2021.

Madison Le,

Director, New Chemicals Division, Office of Pollution Prevention and Toxics.

[FR Doc. 2021-13365 Filed 6-23-21; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-ORD-2015-0765; FRL-10025-24-ORD]

Board of Scientific Counselors (BOSC) Executive Committee Meeting—July 2021

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public meeting.

SUMMARY: The Environmental Protection Agency (EPA), Office of Research and Development (ORD), gives notice of a virtual meeting of the Board of Scientific Counselors (BOSC) Executive Committee (EC) to conduct a consultation on equity and barriers to environmental justice.

DATES: The meeting will be held Tuesday, July 6, 2021, from 11 a.m. to 6 p.m. (EDT). Attendees must register by July 5, 2021.

Meeting times are subject to change. This meeting is open to the public. Comments must be received by June 30, 2021, to be considered by the Executive Committee. Requests for the draft agenda or making a presentation at the

meeting will be accepted until June 30, 2021.

ADDRESSES: Instructions on how to connect to the videoconference will be provided upon registration at <https://epa-bosc-consultation-on-equity-and-ej.eventbrite.com>.

Submit your comments to Docket ID No. EPA-HQ-ORD-2015-0765 by one of the following methods:

- www.regulations.gov: Follow the online instructions for submitting comments.
 - *Note:* Comments submitted to the www.regulations.gov website are anonymous unless identifying information is included in the body of the comment.
 - *Email:* Send comments by electronic mail (email) to: ORD.Docket@epa.gov, Attention Docket ID No. EPA-HQ-ORD-2015-0765.
 - *Note:* Comments submitted via email are not anonymous. The sender’s email will be included in the body of the comment and placed in the public docket which is made available on the internet.

Instructions: All comments received, including any personal information provided, will be included in the public docket without change and may be made available online at www.regulations.gov. Information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute will not be included in the public docket, and should not be submitted through www.regulations.gov or email.

For additional information about the EPA’s public docket visit the EPA Docket Center homepage at <http://www.epa.gov/dockets/>.

Public Docket: Publicly available docket materials may be accessed *Online* at www.regulations.gov.

Copyrighted materials in the docket are only available via hard copy. The telephone number for the ORD Docket Center is (202) 566-1752.

FOR FURTHER INFORMATION CONTACT: The Designated Federal Officer (DFO), Tom Tracy, via phone/voicemail at: (919) 541-4334; or via email at: tracy.tom@epa.gov.

Any member of the public interested in receiving a draft agenda, attending the meeting, or making a presentation at the meeting should contact Tom Tracy no later than June 30, 2021.

SUPPLEMENTARY INFORMATION: The Board of Scientific Counselors (BOSC) is a federal advisory committee that provides advice and recommendations to EPA’s Office of Research and Development on technical and management issues of its research programs. The meeting agenda and materials will be posted to <https://www.epa.gov/bosc>.

Proposed agenda items for the meeting include, but are not limited to, the following: Equity and barriers to environmental justice.

Information on Services Available: For information on translation services, access, or services for individuals with disabilities, please contact Tom Tracy at (919) 541-4334 or tracy.tom@epa.gov.

To request accommodation of a disability, please contact Tom Tracy at least ten days prior to the meeting to give the EPA adequate time to process your request.

Authority: Pub. L. 92–463, 1, Oct. 6, 1972, 86 Stat. 770.

Mary Ross,

Director, Office of Science Advisor, Policy and Engagement.

[FR Doc. 2021–13613 Filed 6–23–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2021–0146; FRL–10023–25]

Certain New Chemicals or Significant New Uses; Statements of Findings for February 2021

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Toxic Substances Control Act (TSCA) requires EPA to publish in the **Federal Register** a statement of its findings after its review of certain TSCA notices when EPA makes a finding that a new chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment. Such statements apply to premanufacture notices (PMNs), microbial commercial activity notices (MCANs), and significant new use notices (SNUNs) submitted to EPA under TSCA. This document presents statements of findings made by EPA on such submissions during the period from February 1, 2021 to February 28, 2021.

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Rebecca Edelstein, New Chemicals Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: 202–564–1667; email address: edelstein.rebecca@epa.gov.

For general information contact: The TSCA–Hotline, ABVI–Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: TSCA-Hotline@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general. As such, the Agency has not attempted to describe the specific

entities that this action may apply to. Although others may be affected, this action applies directly to the submitters of the PMNs addressed in this action.

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPPT–2021–0146, is available at <http://www.regulations.gov> or at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280.

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

II. What action is the Agency taking?

This document lists the statements of findings made by EPA after review of notices submitted under TSCA section 5(a) that certain new chemical substances or significant new uses are not likely to present an unreasonable risk of injury to health or the environment. This document presents statements of findings made by EPA during the period from February 1, 2021 to February 28, 2021.

III. What is the Agency's authority for taking this action?

TSCA section 5(a)(3) requires EPA to review a TSCA section 5(a) notice and make one of the following specific findings:

- The chemical substance or significant new use presents an unreasonable risk of injury to health or the environment;
- The information available to EPA is insufficient to permit a reasoned evaluation of the health and environmental effects of the chemical substance or significant new use;
- The information available to EPA is insufficient to permit a reasoned evaluation of the health and environmental effects and the chemical substance or significant new use may

present an unreasonable risk of injury to health or the environment;

- The chemical substance is or will be produced in substantial quantities, and such substance either enters or may reasonably be anticipated to enter the environment in substantial quantities or there is or may be significant or substantial human exposure to the substance; or

- The chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment.

These findings must be made without consideration of costs or other non-risk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant under the conditions of use. The term “conditions of use” is defined in TSCA section 3 to mean “the circumstances, as determined by the Administrator, under which a chemical substance is intended, known, or reasonably foreseen to be manufactured, processed, distributed in commerce, used, or disposed of.”

EPA is required under TSCA section 5(g) to publish in the **Federal Register** a statement of its findings after its review of a TSCA section 5(a) notice when EPA makes a finding that a new chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment. Such statements apply to PMNs, MCANs, and SNUNs submitted to EPA under TSCA section 5.

Anyone who plans to manufacture (which includes import) a new chemical substance for a non-exempt commercial purpose and any manufacturer or processor wishing to engage in a use of a chemical substance designated by EPA as a significant new use must submit a notice to EPA at least 90 days before commencing manufacture of the new chemical substance or before engaging in the significant new use.

The submitter of a notice to EPA for which EPA has made a finding of “not likely to present an unreasonable risk of injury to health or the environment” may commence manufacture of the chemical substance or manufacture or processing for the significant new use notwithstanding any remaining portion of the applicable review period.

IV. Statements of Administrator Findings Under TSCA Section 5(a)(3)(C)

In this unit, EPA provides the following information (to the extent that such information is not claimed as Confidential Business Information (CBI)) on the PMNs, MCANs and SNUNs for which, during this period, EPA has made findings under TSCA

section 5(a)(3)(C) that the new chemical substances or significant new uses are not likely to present an unreasonable risk of injury to health or the environment:

- EPA case number assigned to the TSCA section 5(a) notice.
- Chemical identity (generic name if the specific name is claimed as CBI).

- website address to EPA's decision document describing the basis of the "not likely to present an unreasonable risk" finding made by EPA under TSCA section 5(a)(3)(C).

EPA case number	Chemical identity	Website address
J-21-0002, J-21-0003	Saccharomyces cerevisiae modified (Generic Name) ...	https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-498 .
P-20-0132	1H-Pyrrole-2,5-dione, 3-methyl-, 1,1'-C36-alkylenebis-; CASRN: 2414071-06-8.	https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-497 .
P-20-0097	Butanedioic acid, monopolyisobutylene derivs., mixed dihydroxyalkyl and hydroxyalkoxyalkyl diesters (Generic Name).	https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-496 .
P-20-0183	Aryl ether epoxide, homopolymer, ether with alkanolamine (Generic Name).	https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-495 .
P-20-0136	Arylcarboxylic acid, alkyl ester, polymer with alkanediol, ester with methyloxirane polymer with oxirane alkyl ether (Generic Name).	https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-492 .

Authority: 15 U.S.C. 2601 *et seq.*

Dated: June 9, 2021.

Madison Le,

Director, New Chemicals Division, Office of Pollution Prevention and Toxics.

[FR Doc. 2021-13369 Filed 6-23-21; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OW-2013-0610; FRL-10025-15-OMS]

Information Collection Request; Submitted to OMB for Review and Approval; Comment Request; Clean Water Act 404 State-Assumed Programs (Renewal); Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; correction.

SUMMARY: EPA published a notice in the *Federal Register* of May 27, 2021, requesting comment on a proposed Information Collection Request renewal (EPA ICR Number 0220.14, OMB Control Number 2040-0168) being submitted to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. That notice contained errors which need to be corrected.

DATES: Comments must be received on or before July 26, 2021. EPA is extending the comment period to provide the public with a full 30 days to review and comment on the docket and this revised notice. Comments already received in response to the original, May 27, 2021 will be considered but may also be

supplemented with additional submissions if necessary.

FOR FURTHER INFORMATION CONTACT:

Kathy Hurd, Oceans, Wetlands and Communities Division, Environmental Protection Agency, 1200 Pennsylvania Ave. NW (4504T), Washington, DC 20460; telephone number: 202-564-5700; email address: 404g-rulemaking@epa.gov.

SUPPLEMENTARY INFORMATION:

Correction

In the *Federal Register* of May 27, 2021 in notice FR Doc. 2021-11276, beginning on page 28596, make the following corrections:

1. On page 25896, third column, in the "FOR FURTHER INFORMATION CONTACT:" section, the contact person listed was incorrect. Please contact Kathy Hurd using the contact information in the "FOR FURTHER INFORMATION CONTACT:" section of this document.

2. On page 28596, third column, and continuing on the first column of page 28597, in the "SUPPLEMENTARY INFORMATION:" section, correct the five full paragraphs of the "Abstract" section, to read as follow:

"Abstract: Section 404(g) of the Federal Water Pollution Control Act (FWPCA/Clean Water Act (CWA)), authorizes states and tribes to assume the section 404 permit program for discharges of dredged or fill material into certain waters of the United States. This ICR covers the collection of information that EPA needs to perform its program approval and oversight responsibilities and that the state or tribe needs to implement its program.

Request to assume CWA section 404 permit program. States and tribes must

demonstrate that they meet the statutory and regulatory requirements at 40 CFR part 233 for an approvable program. Specified information and documents must be submitted by the state or tribe to EPA to request assumption and must be sufficient to enable EPA to conduct an analysis of the state or tribal program. The information contained in the assumption request submission is provided to the other involved federal agencies and to the general public for review and comment.

Permit application information. States and tribes with assumed programs must be able to issue permits that assure compliance with all applicable statutory and regulatory requirements, including the CWA section 404(b)(1) Guidelines. Sufficient information must be provided in the application so that states or tribes and federal agencies reviewing the permit are able to evaluate, avoid, minimize, and compensate for any anticipated impacts resulting from the proposed project. EPA's assumption regulations at 40 CFR 233.30 establish required and recommended elements that should be included in the state or tribe's permit application, so that sufficient information is available to assess anticipated impacts. These minimum information requirements generally reflect the information that must be submitted when applying for a section 404 permit from the U.S. Army Corps of Engineers. (CWA section 404(h); CWA section 404(j); 40 CFR 230.10, 233.20, 233.21, 233.34, and 233.50; 33 CFR 325)).

Annual report and program information. EPA has an oversight role for assumed section 404 permit programs to ensure that state or tribal programs comply with applicable

requirements. States and tribes must evaluate their programs annually and submit the results in a report to EPA. EPA's assumption regulations at 40 CFR 233.52 establish minimum requirements for the annual report.

The information included in the state or tribe's assumption request and the information included in a permit application is made available for public review and comment. The information included in the annual report to EPA is made available to the public. EPA does not make any assurances of confidentiality for this information."

3. On page 28597, in the first and second columns, the paragraphs with the italicized headings: "*Estimated number of respondents:*," "*Total estimated burden:*," "*Total estimated cost:*," and "*Changes in estimates:*" are corrected to read as follows:

"*Estimated number of respondents:* Two states to request program assumption; 11,278 permit applicants; and five state annual reports."

"*Total estimated burden:* 218,880 hours (per year). Burden is defined at 5 CFR 1320.03(b)."

"*Total estimated cost:* Costs to states for assumed section 404 permit programs will vary widely by state and permit; however, the total estimated costs for five programs is \$7,183,445 and costs to permittees in state-assumed programs is \$1,900,236. There are \$0 capital or operation and maintenance costs.

Changes in estimates: There is an increase of 89,920 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. There are several reasons for this increase: (1) On December 17, 2020, Florida assumed the program; (2) a small increase in the estimate of hours required to assume a program based on information provided by Michigan and New Jersey, the two states that were approved by EPA to administer a state dredge and fill program at the time of the 60 day notice; (3) EPA's new interpretation regarding its obligation to conduct consultation under the Endangered Species Act and the National Historic Properties Act when considering requests from States and Tribes to assume the program; (4) the burden to state permittees has been included; and (5) a small increase in the estimated hours for permit review by Michigan and New Jersey, for compiling the annual report. EPA has reduced its estimate for the number of permits per

state based on data provided by Michigan and New Jersey."

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2021-13426 Filed 6-23-21; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPPT-2021-0146; FRL-10024-88]

Certain New Chemicals or Significant New Uses; Statements of Findings for April 2021

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Toxic Substances Control Act (TSCA) requires EPA to publish in the **Federal Register** a statement of its findings after its review of certain TSCA notices when EPA makes a finding that a new chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment. Such statements apply to premanufacture notices (PMNs), microbial commercial activity notices (MCANs), and significant new use notices (SNUNs) submitted to EPA under TSCA. This document presents statements of findings made by EPA on such submissions during the period from April 1, 2021 to April 30, 2021.

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Rebecca Edelstein, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; telephone number: 202-564-1667; email address: Edelstein.rebecca@epa.gov.

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554-1404; email address: TSCA-Hotline@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general. As such, the Agency has not attempted to describe the specific entities that this action may apply to. Although others may be affected, this action applies directly to the submitters of the PMNs addressed in this action.

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA-HQ-OPPT-2021-0146, is available at <http://www.regulations.gov> or at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OPPT Docket is (202) 566-0280.

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

II. What action is the Agency taking?

This document lists the statements of findings made by EPA after review of notices submitted under TSCA section 5(a) that certain new chemical substances or significant new uses are not likely to present an unreasonable risk of injury to health or the environment. This document presents statements of findings made by EPA during the period from April 1, 2021 to April 30, 2021.

III. What is the Agency's authority for taking this action?

TSCA section 5(a)(3) requires EPA to review a TSCA section 5(a) notice and make one of the following specific findings:

- The chemical substance or significant new use presents an unreasonable risk of injury to health or the environment;
- The information available to EPA is insufficient to permit a reasoned evaluation of the health and environmental effects of the chemical substance or significant new use;
- The information available to EPA is insufficient to permit a reasoned evaluation of the health and environmental effects and the chemical substance or significant new use may present an unreasonable risk of injury to health or the environment;
- The chemical substance is or will be produced in substantial quantities, and such substance either enters or may

reasonably be anticipated to enter the environment in substantial quantities or there is or may be significant or substantial human exposure to the substance; or

- The chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment.

Unreasonable risk findings must be made without consideration of costs or other non-risk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant under the conditions of use. The term “conditions of use” is defined in TSCA section 3 to mean “the circumstances, as determined by the Administrator, under which a chemical substance is intended, known, or reasonably foreseen to be manufactured, processed, distributed in commerce, used, or disposed of.”

EPA is required under TSCA section 5(g) to publish in the **Federal Register** a statement of its findings after its review of a TSCA section 5(a) notice

when EPA makes a finding that a new chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment. Such statements apply to PMNs, MCANs, and SNUNs submitted to EPA under TSCA section 5.

Anyone who plans to manufacture (which includes import) a new chemical substance for a non-exempt commercial purpose and any manufacturer or processor wishing to engage in a use of a chemical substance designated by EPA as a significant new use must submit a notice to EPA at least 90 days before commencing manufacture of the new chemical substance or before engaging in the significant new use.

The submitter of a notice to EPA for which EPA has made a finding of “not likely to present an unreasonable risk of injury to health or the environment” may commence manufacture of the chemical substance or manufacture or processing for the significant new use

notwithstanding any remaining portion of the applicable review period.

IV. Statements of Administrator Findings Under TSCA Section 5(a)(3)(C)

In this unit, EPA provides the following information (to the extent that such information is not claimed as Confidential Business Information (CBI)) on the PMNs, MCANs and SNUNs for which, during this period, EPA has made findings under TSCA section 5(a)(3)(C) that the new chemical substances or significant new uses are not likely to present an unreasonable risk of injury to health or the environment:

- EPA case number assigned to the TSCA section 5(a) notice.
- Chemical identity (generic name, if the specific name is claimed as CBI).
- Website link to EPA’s decision document describing the basis of the “not likely to present an unreasonable risk” finding made by EPA under TSCA section 5(a)(3)(C).

EPA case No.	Chemical identity	Website link
J-21-0004	Microorganism for the production of a chemical substance, genetically modified (Generic Name).	https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-508 .
P-20-0168	Polyolefin polyamine succinimide, carbopolycycle alkoxyated (Generic Name).	https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-505 .
J-21-0005, J-21-0006	<i>Saccharomyces cerevisiae</i> enhanced ethanol yield, modified (Generic Name).	https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-504 .

Authority: 15 U.S.C. 2601 *et seq.*

Dated: June 11, 2021.

Madison Le,

Director, New Chemicals Division, Office of Pollution Prevention and Toxics.

[FR Doc. 2021-13364 Filed 6-23-21; 8:45 am]

BILLING CODE 6560-50-P

EXPORT-IMPORT BANK

[Public Notice: EIB 2021-0001]

Application for Final Commitment for a Long-Term Loan or Financial Guarantee in Excess of \$100 Million: AP089432XX & AP089432XA

AGENCY: Export-Import Bank.

ACTION: Notice.

SUMMARY: This Notice is to inform the public the Export-Import Bank of the United States (“EXIM”) has received an application for final commitments for aggregated long-term loans or financial guarantees in excess of \$100 million. Comments received within the comment period specified below will be presented to the EXIM Board of Directors prior to final action on these Transactions.

DATES: Comments must be received on or before July 19, 2021 to be assured of consideration before final consideration of the transactions by the Board of Directors of EXIM.

ADDRESSES: Comments may be submitted through [Regulations.gov](https://www.regulations.gov) at [WWW.REGULATIONS.GOV](https://www.regulations.gov). To submit a comment, enter EIB-2021-0001 under the heading “Enter Keyword or ID” and select Search. Follow the instructions provided at the Submit a Comment screen. Please include your name, company name (if any) and EIB-2021-0001 on any attached document.

SUPPLEMENTARY INFORMATION:

Reference: AP089432XX & AP089432XA

Purpose and Use:

Brief description of the purpose of the transactions: To support the export of U.S.-manufactured commercial aircraft to Turkey.

Brief non-proprietary description of the anticipated use of the items being exported: To be used for passenger and cargo air transport between Turkey and Africa, America, Europe, and Asia.

To the extent that EXIM is reasonably aware, the item(s) being exported may

be used to produce exports or provide services in competition with the exportation of goods or provision of services by a United States industry.

Parties:

Principal Supplier: The Boeing Company.

Obligor: Turk Hava Yollari A.O.

Guarantor(s): N/A.

Description of Items Being Exported: Boeing 787 aircraft and Boeing 737 aircraft.

Information on Decision: Information on the final decision for these transactions will be available in the “Summary Minutes of Meetings of Board of Directors” on <http://exim.gov/newsandevents/boardmeetings/board/>.

Confidential Information: Please note that this notice does not include confidential or proprietary business information; information which, if disclosed, would violate the Trade Secrets Act; or information which would jeopardize jobs in the United States by supplying information that competitors could use to compete with companies in the United States.

Authority: Section 3(c)(10) of the Export-Import Bank Act of 1945, as amended (12 U.S.C. 635a(c)(10)).

Joyce B. Stone,

Assistant Corporate Secretary.

[FR Doc. 2021-13277 Filed 6-23-21; 8:45 am]

BILLING CODE 6690-01-P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060-0228; OMB 3060-1162, OMB 3060-1215, FRS 33555]

Information Collections 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 can further reduce the information collection burden for small business concerns with fewer than 25 employees.

DATES: Written comments and recommendations for the proposed information collection should be submitted on or before July 26, 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 Cathy Williams, FCC, via email to PRA@fcc.gov and to Cathy.Williams@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 Cathy Williams at (202) 418-2918. 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: 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.

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: 3060-0228.

Title: Section 80.59, Compulsory Ship Inspections and Ship Inspection Certificates, FCC Forms 806, 824, 827 and 829.

Form Numbers: FCC Forms 806, 824, 827 and 829.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities, not-for-profit institutions and state, local or tribal government.

Number of Respondents: 2,438 respondents; 2,438 responses.

Estimated Time per Response: 0.084 hours (5 minutes)—4 hours per response.

Frequency of Response: On occasion, annual and every five-year reporting requirements, recordkeeping requirement and third party disclosure requirement.

Obligation To Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 4, 303, 309, 332 and 362 of the Communications Act of 1934, as amended.

Total Annual Burden: 10,333 hours.

Total Annual Cost: No cost.

Privacy Impact Assessment: No impact(s).

Needs and Uses: The requirements contained in 47 CFR 80.59 of the Commission's rules are necessary to implement the provisions of section 362(b) of the Communications Act of 1934, as amended, which require the Commission to inspect the radio installation of large cargo ships and certain passenger ships at least once a year to ensure that the radio installation is in compliance with the requirements of the Communications Act.

Further, section 80.59(d) states that the Commission may, upon a finding that the public interest would be served, grant a waiver of the annual inspection required by section 362(b) of the Communications Act of 1934, for a period of not more than 90 days for the sole purpose of enabling the United States vessel to complete its voyage and proceed to a port in the United States where an inspection can be held. An information application must be submitted by the ship's owner, operator or authorized agent. The application must be submitted to the Commission's District Director or Resident Agent in charge of the FCC office nearest the port of arrival at least three days before the ship's arrival. The application must provide specific information that is in rule section 80.59.

Additionally, the Communications Act requires the inspection of small passenger ships at least once every five years.

The Safety Convention (to which the United States is a signatory) also requires an annual inspection.

The Commission allows FCC-licensed technicians to conduct these inspections. FCC-licensed technicians certify that the ship has passed an inspection and issue a safety certificate. These safety certificates, FCC Forms 806, 824, 827 and 829 indicate that the vessel complies with the Communications Act of 1934, as amended and the Safety Convention. These technicians are required to

provide a summary of the results of the inspection in the ship's log that the inspection was satisfactory.

Inspection certificates issued in accordance with the Safety Convention must be posted in a prominent and accessible place on the ship (third party disclosure requirement).

OMB Control Number: 3060-1162.

Title: Closed Captioning of Video Programming Delivered Using internet Protocol, and Apparatus Closed Caption Requirements.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Individuals or Household, Businesses or other for-profit, Not-for-profit institutions, State, local, or tribal government, Federal Government.

Number of Respondents and Responses: 1,172 respondents; 3,341 responses.

Estimated Time per Response: 0.084-10 hours.

Frequency of Response: One time and on occasion reporting requirements; Recordkeeping requirement; Third party disclosure requirement.

Obligation To Respond: Mandatory; Required to obtain or retain benefits. The statutory authority for this collection is contained in the Twenty-First Century Communications and Video Accessibility Act of 2010, Public Law 111-260, 124 Stat. 2751, and Sections 4(i), 4(j), 303, 330(b), 713, and 716 of the Communications Act of 1934, as amended (the Act), 47 U.S.C. 154(i), 154(j), 303, 330(b), 613, and 617.

Total Annual Burden: 9,197 hours.

Total Annual Cost: \$95,700.

Privacy Act Impact Assessment: The FCC completed a Privacy Impact Assessment (PIA) on June 28, 2007. It may be reviewed at <https://www.fcc.gov/general/privacy-act-information#pia>. The Commission is in the process of updating the PIA to incorporate various revisions to it as a result of revisions to the FCC's system of records notice (SORN).

Nature and Extent of Confidentiality: Confidentiality is an issue to the extent that individuals and households provide personally identifiable information, which is covered under the FCC's SORN, FCC/CGB-1, "Informal Complaints, Inquiries and Requests for Dispute Assistance," which became effective on September 24, 2014. We note that parties filing petitions for exemption based on economic burden, requests for Commission determinations of technical feasibility and achievability, requests for purpose-based waivers, or responses to complaints alleging violations of the

Commission's rules may seek confidential treatment of information they provide pursuant to the Commission's existing confidentiality rules. The Commission is not requesting that individuals who file complaints alleging violations of our rules (complainants) submit confidential information (e.g., credit card numbers, social security numbers, or personal financial information) to us. We request that complainants submit their names, addresses, and other contact information, which enables us to process complaints. Any use of this information is covered under the routine uses listed in the Commission's SORN, FCC/CGB-1.

Needs and Uses: The Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA) directed the Commission to revise its regulations to mandate closed captioning on video programming delivered via internet Protocol (IP) that was published or exhibited on television with captions after the effective date of the regulations. Accordingly, the Commission requires video programming owners (VPOs) to send program files to video programming distributors and providers (hereinafter VPDs) with required captions, and it requires VPDs to enable the rendering or pass through of all required captions to the end user. The CVAA also directed the Commission to revise its regulations to mandate that all apparatus designed to receive, play back, or record video programming be equipped with built-in closed caption decoder circuitry or capability designed to display closed-captioned video programming, except that apparatus that use a picture screen that is 13 inches or smaller and recording devices must comply only if doing so is achievable. These rules are codified at 47 CFR 79.4 and 79.100-79.104.

The information collection requirements consist of:

(a) Mechanism for information about video programming subject to the IP closed captioning requirements.

Pursuant to 47 CFR 79.4(c)(1)(ii) and (c)(2)(ii) of the Commission's rules, VPOs and VPDs must agree upon a mechanism to make information available to VPDs about video programming that becomes subject to the requirements of 47 CFR 79.4 on an ongoing basis. VPDs must make a good faith effort to identify video programming that must be captioned when delivered using IP using the agreed upon mechanism.

For example, VPOs and VPDs may agree on a mechanism whereby the VPOs provide captions or certifications

that captions are not required, and update those certifications and provide captions when captions later become required. A VPD may rely in good faith on a certification by a VPO that the programming need not be captioned if: (1) The certification includes a clear and concise explanation of why captions are not required; and (2) the VPD is able to produce the certification to the Commission in the event of a complaint. VPOs may provide certifications for specific programming or a more general certification, for example, for all programming covered by a particular contract.

VPDs may seek Commission determinations that other proposed mechanisms provide adequate information for them to rely on in good faith by filing an informal request and providing sufficient information for the Commission to make such determinations.

(b) Contact information for the receipt and handling of written closed captioning complaints.

Pursuant to 47 CFR 79.4(c)(2)(iii), VPDs must make their contact information available to end users for the receipt and handling of written IP closed captioning complaints. The required contact information includes the name of a person with primary responsibility for IP captioning issues and who can ensure compliance with these rules, as well as the person's title or office, telephone number, fax number, postal mailing address, and email address. VPDs must keep this information current and update it within 10 business days of any change. The Commission expects that such contact information will be prominently displayed in a way that it is accessible to all end users. A general notice on the VPD's website with such contact information, if provided, must be provided in a location that is conspicuous to viewers.

(c) Petitions for exemption based on economic burden.

Pursuant to 47 CFR 79.4(d), a VPO or VPD may petition the Commission for a full or partial exemption from the closed captioning requirements for IP-delivered video programming based upon a showing that they would be economically burdensome. Petitions for exemption must be supported with sufficient evidence to demonstrate economic burden (significant difficulty or expense). The Commission will consider four specific factors when determining economic burden and any other factors the petitioner deems relevant, along with any available alternatives that might constitute a reasonable substitute for the closed

captioning requirements. The Commission will evaluate economic burden with regard to the individual outlet. Petitions and subsequent pleadings must be filed electronically.

The Commission will place such petitions on public notice. Comments or oppositions to the petition may be filed electronically within 30 days after release of the public notice of the petition, and must include a certification that the petitioner was served with a copy. The petitioner may reply to any comments or oppositions filed within 20 days after the close of the period for filing comments or oppositions, and replies must include a certification that the commenting or opposing party was served with a copy. Upon a finding of good cause, the Commission may lengthen or shorten any comment period and waive or establish other procedural requirements. Petitions and responsive pleadings must include a detailed, full showing, supported by affidavit, of any facts or considerations relied on.

(d) Complaints alleging violations of the closed captioning rules for IP-delivered video programming.

Pursuant to 47 CFR 79.4(e), a written complaint alleging a violation of the closed captioning rules for IP-delivered video programming may be filed with the Commission or with the VPD responsible for enabling the rendering or pass through of the closed captions for the video programming. Complaints must be filed within 60 days after the date the complainant experienced a problem with captioning. Complaints should (but are not required to) include certain information.

If the complaint is filed first with the VPD, the VPD must respond in writing to the complainant within 30 days after receipt of a closed captioning complaint. If a VPD fails to respond timely, or the response does not satisfy the consumer, the complainant may re-file the complaint with the Commission within 30 days after the time allotted for the VPD to respond. If a consumer re-files the complaint with the Commission (after filing with the VPD) and the complaint satisfies the requirements, the Commission will forward the complaint to the named VPD, as well as to any other VPD and/or VPO that Commission staff determines may be involved, who then must respond in writing to the Commission and the complainant within 30 days after receipt of the complaint from the Commission.

If the complaint is filed first with the Commission and the complaint satisfies the requirements, the Commission will forward the complaint to the named

VPD and/or VPO, and to any other VPD and/or VPO that Commission staff determine may be involved, who must respond in writing to the Commission and the complainant within 30 days after receipt of the complaint from the Commission. In response to a complaint, a VPD and/or VPO must provide the Commission with sufficient records and documentation. The Commission will review all relevant information provided by the complainant and the subject VPDs and/or VPOs, as well as any additional information the Commission deems relevant from its files or public sources. The Commission may request additional information from any relevant entities when, in the estimation of Commission staff, such information is needed to investigate the complaint or adjudicate potential violation(s) of Commission rules. When the Commission requests additional information, parties to which such requests are addressed must provide the requested information in the manner and within the time period the Commission specifies.

(e) Requests for Commission determination of technical feasibility of apparatus closed caption requirements.

Pursuant to 47 CFR 79.103(a), as of January 1, 2014, all digital apparatus designed to receive or play back video programming that uses a picture screen of any size must be equipped with built-in closed caption decoder circuitry or capability designed to display closed-captioned video programming, if technically feasible. If new apparatus or classes of apparatus for viewing video programming emerge on which it would not be technically feasible to include closed captioning, parties may raise that argument as a defense to a complaint or, alternatively, file a request under 47 CFR 1.41 for a Commission determination of technical feasibility before manufacturing or importing the product.

(f) Requests for Commission determination of achievability of apparatus closed caption requirements.

Pursuant to 47 CFR 79.103(a), as of January 1, 2014, all digital apparatus designed to receive or play back video programming that use a picture screen less than 13 inches in size must be equipped with built-in closed caption decoder circuitry or capability designed to display closed-captioned video programming, only if doing so is achievable. In addition, pursuant to 47 CFR 79.104(a), as of January 1, 2014, all apparatus designed to record video programming must enable the rendering or the pass through of closed captions such that viewers are able to activate and de-activate the closed captions as

the video programming is played back, only if doing so is achievable.

Manufacturers of such apparatus may petition the Commission, pursuant to 47 CFR 1.41, for a full or partial exemption from the closed captioning requirements before manufacturing or importing the apparatus or may assert as a response to a complaint that these requirements, in full or in part, are not achievable. Pursuant to 47 CFR 79.103(b)(3), such a petition or response must be supported with sufficient evidence to demonstrate that compliance is not achievable (meaning with reasonable effort or expense) and the Commission will consider four specific factors when making such determinations.

(g) Petitions for purpose-based waivers of apparatus closed caption requirements.

Manufacturers seeking certainty prior to the sale of a device may petition the Commission, pursuant to 47 CFR 79.103(b)(4), for a full or partial waiver of the closed captioning requirements based on one of the following provisions:

(i) The apparatus is primarily designed for activities other than receiving or playing back video programming transmitted simultaneously with sound; or

(ii) The apparatus is designed for multiple purposes, capable of receiving or playing back video programming transmitted simultaneously with sound but whose essential utility is derived from other purposes.

(h) Complaints alleging violations of the apparatus closed caption requirements.

Consumers may file written complaints alleging violations of the Commission's rules, 47 CFR 79.101–79.104, requiring apparatus designed to receive, play back, or record video programming to be equipped with built-in closed caption decoder circuitry or capability designed to display closed captions. A written complaint filed with the Commission must be transmitted to the Consumer and Governmental Affairs Bureau through the Commission's online informal complaint filing system, U.S. Mail, overnight delivery, or facsimile. Such complaints should include certain information about the complainant and the alleged violation. The Commission may forward such complaints to the named manufacturer or provider, as well as to any other entity that Commission staff determines may be involved, and may request additional information from any relevant parties when, in the estimation of Commission staff, such information is needed to investigate the complaint or

adjudicate potential violations of Commission rules.

OMB Control Number: 3060–1215.

Title: Use of Spectrum Bands Above 24 GHz for Mobile Radio Services.

Form Number: N/A.

Type of Review: Revision of an existing collection.

Respondents: Business or other for-profit, not-for-profit institutions, and state, local and tribal government.

Number of Respondents: 1,670 respondents; 1,670 responses.

Estimated Time per Response: .5–10 hours.

Frequency of Response: On occasion reporting requirement; third party disclosure requirement; upon commencement of service, or within 3 years of effective date of rules; and at end of license term, or 2024 for incumbent licensees.

Obligation To Respond: Statutory authority for this collection are contained in sections 1, 2, 3, 4, 5, 7, 10, 201, 225, 227, 301, 302, 302a, 303, 304, 307, 309, 310, 316, 319, 332, and 336 of the Communications Act of 1934, 47 U.S.C. 151, 152, 153, 154, 155, 157, 160, 201, 225, 227, 301, 302, 302a, 303, 304, 307, 309, 310, 316, 319, 332, 336, Section 706 of the Telecommunications Act of 1996, as amended, 47 U.S.C. 1302.

Total Annual Burden: 790 hours.

Annual Cost Burden: \$581,250.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: On November 19, 2020, the Commission released a Report and Order, FCC 20–159, in IB Docket No. 18–314, titled, “Further Streamlining Part 25 Rules Governing Satellite Services.” In this Report and Order, among other rule changes, the Commission adopted an optional, extended build-out period for earth station licensees. The optional build-out period increases the allowable time for an earth station to be brought into operation from within one year after licensing, to within: Up to five years and six months for earth stations operating with geostationary satellites; or, up to six years and six months for earth stations operating with non-geostationary satellites. As a companion provision to this new build-out period

option, the Commission adopted a requirement for earth station licensees subject to 47 CFR 25.136 to re-coordinate with licensees of Upper Microwave Flexible Use Service (UMFUS) stations if the earth station is brought into operation later than one year after the date of the license grant. The earth station licensee must complete re-coordination within one year before its commencement of operation. The re-coordination should account for any demographic or geographic changes as well as changes to the earth station equipment or configuration. A re-coordination notice must also be filed with the Commission before commencement of earth station operations.

This information collection is used by UMFUS licensees to provide accurate information on the earth station operations notwithstanding the substantially longer earth station build-out period that was adopted. The collection also counterbalances the potential chilling of some UMFUS developments that might otherwise result from the extended earth station build-out periods, and thereby serves as an important check on potential warehousing. Without such information, the Commission would not be able to regulate the shared use of radio frequencies among earth stations and UMFUS stations in the public interest, in accordance with the Communications Act of 1934, as amended.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2021–13216 Filed 6–23–21; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

[OMB No. 3064–0006; –0015; –0019 and –0097]

Agency Information Collection Activities: Proposed Collection Renewal; Comment Request

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Agency information collection activities: Submission for OMB Review; comment request.

SUMMARY: The FDIC, as part of its obligations under the Paperwork Reduction Act of 1995, invites the general public and other Federal agencies to take this opportunity to comment on the request to renew the existing information collections described below (OMB Control No. 3064–0006; –0015; –0019; and –0097).

DATES: Comments must be submitted on or before July 26, 2021.

ADDRESSES: Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- *Agency Website:* <https://www.fdic.gov/resources/regulations/federal-register-publications/>.

- *Email:* comments@fdic.gov. Include the name and number of the collection in the subject line of the message.

- *Mail:* Manny Cabeza (202–898–3767), Regulatory Counsel, MB–3128, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 17th Street NW building (located on F Street), on business days between 7:00 a.m. and 5:00 p.m.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT: Manny Cabeza, Regulatory Counsel, 202–898–3767, mcabeza@fdic.gov, MB–3128, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

SUPPLEMENTARY INFORMATION:

Proposal to renew the following currently approved collections of information:

1. *Title:* Interagency Biographical and Financial Report.

OMB Number: 3064–0006.

Form Number: 6200/06.

Affected Public: Individuals or households; business or other for profit; Insured state nonmember banks and state savings associations.

Burden Estimate:

SUMMARY OF ANNUAL BURDEN

Information collection description	Type of burden	Obligation to respond	Estimated number of respondents	Estimated frequency of responses	Estimated time per response	Estimated annual burden
Interagency Biographical and Financial Report	Reporting	Mandatory ..	514	On Occasion	4.5 hours	2,313 hours

Total Estimated Annual Burden: 2,313 hours.

General Description of Collection: The Interagency Biographical and Financial Report is submitted to the FDIC by: (1) Each individual director, officer, or individual or group of shareholders acting in concert that will own or control 10 percent or more, of a proposed or operating depository institution applying for FDIC deposit insurance; (2) a person proposing to acquire control of an insured state nonmember bank, state savings association (FDIC-supervised institution) and certain parent

companies of such entities; (3) each proposed new director or proposed new chief executive officer of an FDIC supervised institution which has undergone a change in control within the preceding twelve months; and (4) each proposed new director or senior executive officer of an FDIC-supervised institution that is not in compliance with all minimum capital requirements, is in troubled condition, or otherwise is required to provide such notice. The information collected is used by the FDIC to evaluate the general character and financial condition of individuals

who will be involved in the management or control of financial institutions, as required by statute. In order to lessen the burden on applicants, the FDIC cooperates with the other federal banking agencies to the maximum extent possible in processing the various applications.

2. *Title:* Interagency Bank Merger Application.

OMB Number: 3064-0015.

Form Number: 6220/01.

Affected Public: Individuals or households; business or other for profit.

Burden Estimate:

SUMMARY OF ANNUAL BURDEN

Information collection description	Type of burden	Obligation to respond	Estimated number of respondents	Estimated frequency of responses	Estimated time per response	Estimated annual burden
Interagency Bank Merger Act Application—Affiliated Transactions.	Reporting	Mandatory ..	103	On Occasion	19 hours	1,957 hours
Interagency Bank Merger Act Application—Non-affiliated Transactions.	Reporting	Mandatory ..	119	On Occasion	31 hours	3,689 hours

Total Estimated Annual Burden: 5,646 hours.

General Description of Collection: The Interagency Bank Merger Act Application form is used by the FDIC, the Board of Governors of the Federal Reserve System, and the Office of the Comptroller of the Currency for applications under section 18(c) of the Federal Deposit Insurance Act (FDIA), as amended (12 U.S.C. 1828(c)). The application is used for a merger, consolidation, or other combining transaction between nonaffiliated

parties as well as to effect a corporate reorganization between affiliated parties (affiliate transaction). An affiliate transaction refers to a merger transaction or other business combination (including a purchase and assumption) between institutions that are commonly controlled (for example, between a depository institution and an affiliated interim institution). There are different levels of burden for nonaffiliate and affiliate transactions. Applicants proposing affiliate transactions are required to provide less

information than applicants involved in the merger of two unaffiliated entities. If depository institutions are not controlled by the same holding company, the merger transaction is considered a non-affiliate transaction.

3. *Title:* Interagency Notice of Change in Control.

OMB Number: 3064-0019.

Form Number: 6822/01.

Affected Public: Individuals, insured state nonmember banks, and insured state savings associations.

Burden Estimate:

SUMMARY OF ANNUAL BURDEN

Information collection description	Type of burden	Obligation to respond	Estimated number of respondents	Estimated frequency of responses	Estimated time per response	Estimated annual burden
Interagency Notice of Change in Control	Recordkeeping	Mandatory ..	18	On Occasion	30.5 hours ..	549 hours

Total Estimated Annual Burden: 549 hours.

General Description of Collection: Section 7(j) of the FDIA (12 U.S.C. 1817(j)) and sections 303.80-88 of the FDIC Rules and Regulations (12 CFR 303.80 *et seq.*) require that any person proposing to acquire control of an

insured depository institution and certain parent companies thereof provide 60 days prior written notice of the proposed acquisition to the appropriate federal banking agency. Such written notice which pertains to the acquisition of control of an FDIC supervised institution and certain

parent companies thereof is filed with the regional director of the FDIC region in which the bank is located. The FDIC reviews the information reported in the Notice to assess, in part, any anticompetitive and monopolistic effects of the proposed acquisition, to determine if the financial condition of

any acquiring person or the future prospects of the institution might jeopardize the financial stability of the institution or prejudice the interests of the depositors of the institution, and to determine whether the competence, experience, or integrity of any acquiring person, or of any of the proposed management personnel, indicates that it

would not be in the interest of the depositors of the institution, or in the interest of the public, to permit such persons to control the bank. The FDIC must also make an independent determination of the accuracy and completeness of all of the information required to be filed in conjunction with a Notice.

4. *Title:* Interagency Notice of Change in Control.
OMB Number: 3064–0097.
Form Number: 6822/02.
Affected Public: Insured state nonmember banks and state savings associations.
Burden Estimate:

SUMMARY OF ANNUAL BURDEN

Information collection description	Type of burden	Obligation to respond	Estimated number of respondents	Estimated frequency of responses	Estimated time per response	Estimated annual burden
Interagency Notice of Change in Director or Executive Officer.	Reporting	Mandatory ..	107	On Occasion	2 hours	214 hours

Total Estimated Annual Burden: 214 hours.

General Description of Collection: Section 32 of the FDIA (12 U.S.C. 1831i) requires an insured depository institution or depository institution holding company under certain circumstances to notify the appropriate federal banking agency of the proposed addition of any individual to the board of directors or the employment of any individual as a senior executive officer of such institution at least 30 days before such addition or employment becomes effective. Section 32 of the FDIA also provides that the FDIC may disapprove an individual’s service as a director or senior executive officer of certain state nonmember banks or state savings associations if, upon assessing the individual’s competence, experience, character, and integrity, it is determined that the individual’s service would not be in the best interest of the

depositors of the institution or the public. The Interagency Notice of Change in Director or Senior Executive Officer, with the information contained in the Interagency Biographical and Financial Report (described above) as an attachment, is used by the FDIC to collect information relevant to assess the individual’s competence, experience, character, and integrity

Request for Comment

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the FDIC’s functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collection, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information

on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Federal Deposit Insurance Corporation.
 Dated at Washington, DC, on June 15, 2021.

James P. Sheesley,
Assistant Executive Secretary.
 [FR Doc. 2021–13445 Filed 6–23–21; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of Intent To Terminate Receivership

Notice is hereby given that the Federal Deposit Insurance Corporation (FDIC or Receiver) as Receiver for the institution listed below intends to terminate its receivership for said institution.

NOTICE OF INTENT TO TERMINATE RECEIVERSHIP

Fund	Receivership name	City	State	Date of appointment of receiver
10122	Georgian Bank	Atlanta	GA	09/25/2009

The liquidation of the assets for the receivership has been completed. To the extent permitted by available funds and in accordance with law, the Receiver will be making a final dividend payment to proven creditors.

Based upon the foregoing, the Receiver has determined that the continued existence of the receivership will serve no useful purpose. Consequently, notice is given that the receivership shall be terminated, to be effective no sooner than thirty days after the date of this notice. If any person

wishes to comment concerning the termination of the receivership, such comment must be made in writing, identify the receivership to which the comment pertains, and sent within thirty days of the date of this notice to: Federal Deposit Insurance Corporation, Division of Resolutions and Receiverships, Attention: Receivership Oversight Department 34.6, 1601 Bryan Street, Dallas, TX 75201.

No comments concerning the termination of this receivership will be

considered which are not sent within this timeframe.

(Authority: 12 U.S.C. 1819)
 Federal Deposit Insurance Corporation.
 Dated at Washington, DC, on June 15, 2021.

James P. Sheesley,
Assistant Executive Secretary.
 [FR Doc. 2021–13441 Filed 6–23–21; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of Intent To Terminate Receiverships

Notice is hereby given that the Federal Deposit Insurance Corporation (FDIC or

Receiver), as Receiver for the institutions listed below, intends to terminate its receivership for said institutions.

NOTICE OF INTENT TO TERMINATE RECEIVERSHIPS

Fund	Receivership name	City	State	Date of appointment of receiver
10001	Netbank	Alpharetta	GA	09/28/2007
10136	Bank USA, NA	Phoenix	AZ	10/30/2009
10137	Community Bank of Lemont	Lemont	IL	10/30/2009
10138	North Houston Bank	Houston	TX	10/30/2009
10141	Citizens National Bank	Teague	TX	10/30/2009
10351	Nevada Commerce Bank	Las Vegas	NV	04/08/2011

The liquidation of the assets for each receivership has been completed. To the extent permitted by available funds and in accordance with law, the Receiver will be making a final dividend payment to proven creditors.

Based upon the foregoing, the Receiver has determined that the continued existence of the receiverships will serve no useful purpose. Consequently, notice is given that the receiverships shall be terminated, to be effective no sooner than thirty days after the date of this notice. If any person wishes to comment concerning the termination of any of the receiverships, such comment must be made in writing, identify the receivership to which the comment pertains, and be sent within thirty days of the date of this notice to: Federal Deposit Insurance Corporation, Division of Resolutions and Receiverships, Attention: Receivership Oversight Department 34.6, 1601 Bryan Street, Dallas, TX 75201.

No comments concerning the termination of the above-mentioned receiverships will be considered which are not sent within this time frame.

(Authority: 12 U.S.C. 1819)

Federal Deposit Insurance Corporation.

Dated at Washington, DC, on June 21, 2021.

James P. Sheesley,
Assistant Executive Secretary.

[FR Doc. 2021-13433 Filed 6-23-21; 8:45 am]

BILLING CODE 6714-01-P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit

comments, relevant information, or documents regarding the agreements to the Secretary by email at *Secretary@fmc.gov*, or by mail, Federal Maritime Commission, Washington, DC 20573. Comments will be most helpful to the Commission if received within 12 days of the date this notice appears in the **Federal Register**. Copies of agreements are available through the Commission's website (*www.fmc.gov*) or by contacting the Office of Agreements at (202)-523-5793 or *tradeanalysis@fmc.gov*.

Agreement No.: 012282-002.
Agreement Name: NYK/Kyowa Shipping Co., Ltd. Space Charter Agreement.

Parties: Nippon Yusen Kaisha and NYK Bulk and Project Carriers, Ltd. (acting as a single party) and Kyowa Shipping Co., Ltd.

Filing Party: Rebecca Fenneman; Jeffrey/Fenneman Law and Strategy PLLC.

Synopsis: The amendment corrects the parties' addresses; adds to the geographic scope of the agreement ports in Korea, Solomon Islands, Vanuatu, New Caledonia, Fiji, Western Samoa, Tonga, French Polynesia and Kiribati; amends the authority of the agreement to reflect reciprocal space chartering; and removes all authority to jointly negotiate or procure terminal services in the United States.

Proposed Effective Date: 6/11/2021.
Location: *https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/142*.

Agreement No.: 201362.
Agreement Name: CMA CGM/Marfret Mediterranean—Caribbean/U.S. Gulf Service Space Charter Agreement.

Parties: CMA CGM S.A. and Compagnie Maritime Marfret S.A.S.
Filing Party: Draughn Arbona; CMA CGM (America) LLC.

Synopsis: The Agreement authorizes CMA CGM to charter space to Marfret on vessels operated by CMA CGM in the Trade between Italy, France, Spain, the French Indies, the Dominican Republic, Colombia, Jamaica, Mexico, Costa Rica, Panama, Malta and the U.S. Gulf Coast. The parties request expedited review.

Proposed Effective Date: 7/31/2021.

Location: *https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/44510*.

Dated: June 17, 2021.

Rachel E. Dickon,
Secretary.

[FR Doc. 2021-13203 Filed 6-23-21; 8:45 am]

BILLING CODE 6730-02-P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/*

request.htm. Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551-0001, not later than July 9, 2021.

A. Federal Reserve Bank of Kansas City (Jeffrey Imgarten, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198-0001:

1. *Jason D. Catlin, Dexter, Kansas*; to acquire voting shares of Emerald Bank, Burden, Kansas, and thereby join the Catlin Family Group, a group acting in concert.

2. *Michael H. Slack and Janice K Slack, both of Oxford, Kansas*; individually and as members of the Catlin Family Group, a group acting in concert, to acquire additional voting shares of Emerald Bank, Burden, Kansas.

Board of Governors of the Federal Reserve System, June 21, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021-13457 Filed 6-23-21; 8:45 am]

BILLING CODE 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 26, 2021.

A. Federal Reserve Bank of Boston (Prabal Chakrabarti, Senior Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02210-2204. Comments can also be sent electronically to BOS.SRC.Applications.Comments@bos.frb.org:

1. *TruNorth Bancorp, MHC and TruNorth Bancorp, Inc., both of North Brookfield, Massachusetts*; to become a mutual bank holding company and stock bank holding company, respectively, by acquiring North Brookfield Savings Bank, North Brookfield, Massachusetts.

Board of Governors of the Federal Reserve System, June 21, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021-13459 Filed 6-23-21; 8:45 am]

BILLING CODE P

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Notice of Board Meeting

DATES: June 29, 2021 at 10:00 a.m.

ADDRESSES: Telephonic. Dial-in (listen only) information: Number: 1-415-527-5035, Code: 199 318 0416; or via web: <https://tspmeet.webex.com/tspmeet/onstage/g.php?MTID=e42f56ed73b55d3ca0fcdad799e970de>.

FOR FURTHER INFORMATION CONTACT: Kimberly Weaver, Director, Office of External Affairs, (202) 942-1640.

SUPPLEMENTARY INFORMATION: Board Meeting Agenda.

Open Session

1. Approval of the May 26, 2021 Board Meeting Minutes
2. Monthly Reports
 - (a) Participant Activity Report
 - (b) Investment Performance
 - (c) Legislative Report
3. Quarterly Reports
 - (d) Vendor Risk Management
4. Multi-Asset Manager Update

Closed Session

5. Information covered under 5 U.S.C. 552b(c)(9)(B).

Authority: 5 U.S.C. 552b(e)(1).

Dated: June 17, 2021.

Dharmesh Vashee,

General Counsel, Federal Retirement Thrift Investment Board.

[FR Doc. 2021-13230 Filed 6-23-21; 8:45 am]

BILLING CODE P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090-0262; Docket No. 2021-0001; Sequence No. 4]

Submission for OMB Review General Services Administration Acquisition Regulation; Identification of Products With Environmental Attributes

AGENCY: Office of Acquisition Policy, General Services Administration (GSA).

ACTION: Notice of request for comments regarding an extension of an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act the Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of an information collection requirement regarding identification of products with environmental attributes.

DATES: *Submit comments on or before:* July 26, 2021.

ADDRESSES: Written comments and recommendations for this information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under Review—Open for Public Comments" or by using the search function.

FOR FURTHER INFORMATION CONTACT: Ms. Adina Torberntsson, Program Analyst, General Services Acquisition Policy Division, GSA, via email to adina.torberntsson@gsa.gov or by phone at (303) 236-2677.

SUPPLEMENTARY INFORMATION:

A. Purpose

The GSA requires contractors holding Multiple Award Schedule Contracts to identify in their GSA price lists those products that they market commercially that have environmental attributes in accordance with GSAR clause 552.238-78. The identification of these products will enable Federal agencies to maximize the use of these products and meet the responsibilities expressed in statutes and executive order.

B. Annual Reporting Burden

Respondents: 744.

Responses per Respondent: 1.

Annual Responses: 744.
Hours per Response: 1.
Total Burden Hours: 744.

C. Public Comments

A notice published in the **Federal Register** at 86 FR 16369 on March 29, 2021. No comments were received.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the Regulatory Secretariat Division by calling 202-501-4755 or emailing GSARegSec@gsa.gov. Please cite OMB Control No. 3090-0262, Identification of Products with Environmental Attributes, in all correspondence.

Jeffrey A. Koses,

Senior Procurement Executive, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2021-13062 Filed 6-23-21; 8:45 am]

BILLING CODE 6820-61-P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000-0043; Docket No. 2021-0053; Sequence No. 6]

Submission for OMB Review; Delivery Schedules

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division has submitted to the Office of Management and Budget (OMB) a request to review and approve a revision and renewal of a previously approved information collection requirement regarding delivery schedules.

DATES: Submit comments on or before July 26, 2021.

ADDRESSES: Written comments and recommendations for this information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under Review—Open for Public Comments" or by using the search function.

Additionally, submit a copy to GSA through <http://www.regulations.gov> and follow the instructions on the site. This website provides the ability to type

short comments directly into the comment field or attach a file for lengthier comments.

Instructions: All items submitted must cite OMB Control No. 9000-0046, Delivery Schedules. Comments received generally will be posted without change to <http://www.regulations.gov>, including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check www.regulations.gov, approximately two-to-three days after submission to verify posting. If there are difficulties submitting comments, contact the GSA Regulatory Secretariat Division at 202-501-4755 or GSARegSec@gsa.gov.

FOR FURTHER INFORMATION CONTACT:

Zenaida Delgado, Procurement Analyst, at telephone 202-969-7207, or zenaida.delgado@gsa.gov.

SUPPLEMENTARY INFORMATION:

A. OMB Control Number, Title, and Any Associated Form(s)

9000-0043, Delivery Schedules.

B. Need and Uses

This clearance covers the information that offerors may submit to comply with the following Federal Acquisition Regulation (FAR) requirements:

- 52.211-8, Time of Delivery
- 52.211-9, Desired and Required Time of Delivery

Contracting officers may use one of these time of delivery clauses to set forth a required delivery schedule and to allow offerors to propose an alternative delivery schedule. Contracting officers use this information to ensure supplies or services are obtained in a timely manner.

C. Annual Burden

Respondents: 1,527.

Total Annual Responses: 1,527.

Total Burden Hours: 763.5.

D. Public Comment

A 60-day notice was published in the **Federal Register** at 86 FR 19891, on April 15, 2021. No comments were received.

Obtaining Copies: Requesters may obtain a copy of the information collection documents from the GSA Regulatory Secretariat Division by calling 202-501-4755 or emailing GSARegSec@gsa.gov. Please cite OMB

Control No. 9000-0043, Delivery Schedules.

William Clark,

Director, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2021-13315 Filed 6-23-21; 8:45 am]

BILLING CODE 6820-EP-P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090-0007; Docket No. 2021-0001; Sequence No. 2]

Submission for OMB Review; General Services Administration Acquisition Regulation; Contractor's Qualifications and Financial Information, GSA Form 527

AGENCY: Office of Acquisition Policy, General Services Administration (GSA).

ACTION: Notice of request for comments regarding an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement regarding Contractor's Qualifications and Financial Information through GSA Form 527.

DATES: Submit comments on or before: July 26, 2021.

ADDRESSES: Written comments and recommendations for this information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under Review—Open for Public Comments" or by using the search function.

FOR FURTHER INFORMATION CONTACT:

Bryon Boyer, Procurement Analyst, Office of Governmentwide Policy, by phone at 817-850-5580 or by email at gsarpolicy@gsa.gov.

SUPPLEMENTARY INFORMATION:

A. Purpose

The General Services Administration will be requesting that OMB extend information collection 3090-0007, concerning GSA Form 527, Contractor's Qualifications and Financial Information. This form is used to determine the financial capability of prospective contractors as to whether they meet the financial responsibility standards in accordance with the Federal Acquisition Regulation (FAR)

9.103(a) and 9.104–1 and also the General Services Administration Acquisition Manual (GSAM) 509.105–1(a).

B. Annual Reporting Burden

Respondents: 1,733.

Responses per Respondent: 1.2.

Total Responses: 2,080.

Hours per Response: 1.5.

Total Burden Hours: 3,120.

C. Public Comments

A notice was published in the **Federal Register** at 86 FR 20159 on April 16, 2021. No comments were received.

Obtaining Copies of Proposals:

Requesters may obtain a copy of the information collection documents from the Regulatory Secretariat Division by calling 202–501–4755 or emailing GSARegSec@gsa.gov. Please cite OMB Control No. 3090–0007; Contractor's Qualifications and Financial Information, GSA Form 527, in all correspondence.

Jeffrey A. Koses,

Senior Procurement Executive, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2021–13314 Filed 6–23–21; 8:45 am]

BILLING CODE 6820–61–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0061; Docket No. 2021–0053; Sequence No. 10]

Information Collection; Federal Acquisition Regulation Part 47: Transportation Requirements

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, and the Office of Management and Budget (OMB) regulations, DoD, GSA, and NASA invite the public to comment on a revision and an extension concerning Federal Acquisition Regulation (FAR) part 47 transportation requirements. DoD, GSA, and NASA invite comments on: Whether the proposed collection of information is necessary for the proper performance of the functions of Federal Government acquisitions, including whether the information will have

practical utility; the accuracy of the estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. OMB has approved this information collection for use through September 30, 2021. DoD, GSA, and NASA propose that OMB extend its approval for use for three additional years beyond the current expiration date.

DATES: DoD, GSA, and NASA will consider all comments received by August 23, 2021.

ADDRESSES: DoD, GSA, and NASA invite interested persons to submit comments on this collection through <https://www.regulations.gov> and follow the instructions on the site. This website provides the ability to type short comments directly into the comment field or attach a file for lengthier comments. If there are difficulties submitting comments, contact the GSA Regulatory Secretariat Division at 202–501–4755 or GSARegSec@gsa.gov.

Instructions: All items submitted must cite OMB Control No. 9000–0061, Federal Acquisition Regulation Part 47: Transportation Requirements. Comments received generally will be posted without change to <https://www.regulations.gov>, including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check <https://www.regulations.gov>, approximately two-to-three days after submission to verify posting.

FOR FURTHER INFORMATION CONTACT: Jennifer Hawes, Procurement Analyst, at telephone 202–969–7386, or jennifer.hawes@gsa.gov.

SUPPLEMENTARY INFORMATION:

A. OMB Control Number, Title, and Any Associated Form(s)

9000–0061, Federal Acquisition Regulation Part 47: Transportation Requirements.

B. Need and Uses

DoD, GSA, and NASA are combining OMB Control Nos. for the FAR by FAR part. This consolidation is expected to improve industry's ability to easily and efficiently identify burdens associated with a given FAR part. The review of the information collections by FAR part allows improved oversight to ensure there is no redundant or unaccounted for burden placed on industry. Lastly, combining information collections in a

given FAR part is also expected to reduce the administrative burden associated with processing multiple information collections.

This justification supports the revision and extension of OMB Control No. 9000–0061, and combines it with the previously approved information collections under OMB Control Nos. 9000–0053, 9000–0054, 9000–0055, 9000–0056 and 9000–0057 with the new title “Federal Acquisition Regulation Part 47: Transportation Requirements.” Upon approval of this consolidated information collection, OMB Control Nos. 9000–0053, 9000–0054, 9000–0055, 9000–0056 and 9000–0057 will be discontinued. The burden requirements previously approved under the discontinued numbers will be covered under OMB Control No. 9000–0061.

This clearance covers the information that offerors and contractors must submit to comply with the following requirements in FAR part 47:

- *FAR 52.247–2, Permits, Authorities, or Franchises.* The clause requires an offeror to indicate whether it has the proper authorization from the Federal Highway Administration (or other cognizant regulatory body) before it can be allowed to move material under any contract for regulated freight transportation or transportation-related services. The offeror may also be requested to furnish a copy of the authorization before moving material under the contract. The contracting officer and transportation office review the information to ensure that the offeror has complied with all regulatory requirements and has obtained any permits, licenses, or franchises that are needed to transport the supplies.

- *FAR 52.247–6, Financial Statement.* This provision requires an offeror to furnish the Government with a current certified statement of the offeror's financial condition and such data as the Government may request with respect to the offeror's operations. The contracting officer uses this information to determine whether a potential awardee is responsible in accordance with FAR part 9.

- *FAR 52.247–48, F.o.b. Destination—Evidence of Shipment.* This clause requires the contractor to retain and make available to the Government for review, as necessary, evidence of free on board (f.o.b.) destination shipment documentation for a period of three years after final payment of the contract. The Government may request this information from the contractor while auditing a contract or to resolve disputes.

- *FAR 52.247–51, Evaluation of Export Offers.* This provision requires

an offeror to nominate a port/terminal of loading they recommend for the purposes of evaluation of their offer and indicate whether the prices proposed are based on f.o.b. origin or f.o.b. destination. The contracting officer uses the information to ensure that offers are evaluated and awards are made on the basis of the lowest laid down cost to the Government at the overseas port of discharge.

- *FAR 52.247–52, Clearance and Documentation Requirements—Shipments to DoD Air or Water Terminal Transshipment Points.* This clause directs the contractor to provide the Government certain information regarding shipments to DoD air or water terminal transshipment points. The Government transportation office uses this information to support applications for export release and to prepare the Transportation Control and Movement Document (TCMD).

- *FAR 52.247–53, Freight Classification Description.* When the Government purchases supplies that are new to the supply system, nonstandard, or modifications of previously shipped items, and different freight classifications may apply, this provision requests an offeror provide the full Uniform Freight Classification (rail) description, or the National Motor Freight Classification description applicable to the supplies. The contracting officer uses this information to determine the proper freight for supplies.

- *FAR 52.247–57, Transportation Transit Privilege Credits.* This clause allows the offeror to identify any transportation charges, including any transit charges, that the offeror will agree to pay, subject to reimbursement by the Government. The contracting officer uses this information to ensure consideration of an offeror's transit credits when evaluating an f.o.b. origin price for shipping supplies to the designated Government destinations.

- *FAR 52.247–60, Guaranteed Shipping Characteristics.* This clause requires the offeror to provide details on the shipping container(s) to be used for each part or component that is packed or packaged separately. The contracting officer uses this information to determine transportation costs for evaluation purposes.

- *FAR 52.247–63, Preference for U.S.-Flag Air Carriers.* In the event that a contractor selects a carrier other than a U.S.-flag air carrier for international air transportation during performance of the contract, this clause requires the contractor to include a statement regarding the unavailability of U.S.-Flag Air Carriers on vouchers involving such

transportation. The Government uses the information provided on the voucher to ensure compliance with section 5 of the International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. 40118), which requires the Government and its contractors and subcontractors to use U.S.-flag air carriers for U.S. Government-financed international air transportation of personnel (and their personal effects) or property, to the extent that service by those carriers is available.

- *FAR 52.247–64, Preference for Privately Owned U.S.-Flag Commercial Vessels.* This clause requires a contractor to provide the contracting officer and the Maritime Administration's one legible copy of rated on-board ocean bill of lading for each shipment made by the contractor or its subcontractors. The Government uses this information to ensure compliance with the Cargo Preference Act of 1954.

- *FAR 52.247–67, Submission of Transportation Documents for Audit.* This clause requires the contractor to submit for prepayment audit transportation documents on which the United States will assume freight charges that were paid by the contractor under a cost-reimbursement contract or by the contractor's first-tier subcontractor (for a cost-reimbursement subcontract). For freight shipment bills under \$100 are to be retained on-site by the contractor and made available for on-site audits. The Government uses this information to conduct a prepayment audit of transportation charges on a cost-reimbursement contract when reimbursement of transportation as a direct charge to the contract or subcontract is authorized. The prepayment audit is required to comply with agency prepayment audit programs established pursuant to 31 U.S.C. 3726.

- *FAR 52.247–68, Report of Shipment (REPSHIP).* This clause requires contractors to send an advance notice of shipment to the consignee transportation officer to be received at least 24 hours before the arrival of the shipment, unless otherwise directed by a contracting officer. The Government uses this information to alert the receiving activity of certain shipments. The advance notice facilitates arrangements for transportation control, labor, space, and use of materials handling equipment at destination. The timely receipt of notices by the consignee transportation office precludes the Government from incurring demurrage and vehicle detention charges.

- *FAR 47.303, Clauses for Standard Delivery Terms.* The following FAR clauses require the contractor to (as appropriate to the delivery terms specified in the contract): Prepare or provide special annotation on a Government or commercial bill of lading; provide an ocean bill of lading or airway bill; annotate commercial shipping documents; distribute copies of the bill of lading; provide applicable transportation receipts; assist in obtaining documents for exportation or importation destinations; and/or obtain insurance documents. The contracting officer and the Government transportation office use this information in awarding and administering contracts to ensure: (1) Acquisitions are made on the basis most advantageous to the Government; and (2) supplies arrive in good order and condition and on time at the required place.

C. Annual Burden

Respondents: 17,565.

Recordkeepers: 940.

Total Annual Responses: 256,208.

Total Burden Hours: 23,097. (22,079 reporting hours + 1,018 recordkeeping hours).

Obtaining Copies: Requesters may obtain a copy of the information collection documents from the GSA Regulatory Secretariat Division by calling 202–501–4755 or emailing GSARegSec@gsa.gov. Please cite OMB Control No. 9000–0061, Federal Acquisition Regulation Part 47: Transportation Requirements.

William F. Clark,

Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2021–13393 Filed 6–23–21; 8:45 am]

BILLING CODE 6820-EP-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–21–21AC]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled The GAIN (Greater Access and Impact with NAT) Study: Improving HIV Diagnosis, Linkage to Care, and Prevention

Services with HIV Point-of-Care Nucleic Acid Tests (NATs) to the Office of Management and Budget (OMB) for review and approval. CDC previously published a “Proposed Data Collection Submitted for Public Comment and Recommendations” notice on December 21, 2020 to obtain comments from the public and affected agencies. CDC received two comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639-7570. 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. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395-5806. Provide written comments within 30 days of notice publication.

Proposed Project

The GAIN (Greater Access and Impact with NAT) Study: Improving HIV Diagnosis, Linkage to Care, and Prevention Services with HIV Point-of-Care Nucleic Acid Tests (NATs)—New—National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Pre-exposure prophylaxis (PrEP) can prevent HIV acquisition among persons at risk. To prevent the emergence of drug-resistant HIV strains, prior to initiating PrEP, persons must be tested for HIV to ensure that they are not infected. Current rapid point-of-care (POC) technologies do not reliably detect the earliest HIV infections and lab-based testing can introduce delays while patients wait for test results. During this time, patients can drop out of care and are still at high-risk to become HIV infected. Direct molecular detection of HIV through nucleic acid tests (NATs) can identify early HIV infections, which have high potential for transmission. NATs that are used at the point-of-care (POC NAT) can provide results in 60 to 90 minutes. Obtaining timely molecular test results from a POC NAT in clinics or

community settings can expand prevention as well as HIV treatment services, improve our reach into disproportionately affected populations, and provide opportunities to approach the goal of no new HIV infections.

CDC requests OMB approval to conduct the GAIN (Greater Access and Impact with NAT) study at two clinics in Seattle, Washington. GAIN is an implementation study to compare a point-of-care nucleic acid HIV test (HIV RNA POC NAT) to standard lab-based HIV testing. These data will be analyzed and disseminated to describe the real-world performance and clinical effects of HIV RNA POC NAT testing technology. This study will develop functional models to integrate HIV RNA POC NAT testing technology into HIV prevention and treatment services.

Study activities include: 1. Retrospective baseline data collection from clinical site electronic medical records. This will establish baseline PrEP and HIV care metrics for comparison after study implementation; 2. A longitudinal, prospective study of HIV-negative patients seeking HIV testing and/or PrEP services; 3. A longitudinal, prospective study of HIV-positive patients seeking STI testing; 4. An RCT of POC NAT or Standard of Care for HIV-positive patients; 5. A survey, interviews, and focus groups examining POC NAT acceptability among HIV-negative and HIV-positive patients; 6. A cross-sectional comparison of several point-of-care NATs among HIV-positive patients; 7. Acceptability/feasibility assessment among clinical and community providers and costing analyses.

OMB approval is requested for three years. Participation is voluntary and there are no costs to respondents other than their time. The total estimated annualized burden is 1,067 hours.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Participating clinic	Baseline data collection variables list.	2	1	2
	Monthly study report form	2	12	15/60
Participants in prospective study of HIV-negative patients seeking HIV testing and/or PrEP services.	Release of information form	1530	1	10/60
	Study visit survey	1530	1	15/60
Participants in prospective study of HIV-positive patients seeking STI testing.	Release of information form	165	1	10/60
	Study visit survey	165	1	15/60
Participants in RCT of POC NAT or Standard of Care for HIV-positive patients.	Release of information form	333	1	10/60
	Study visit survey	333	1	15/60

ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Participants in survey group examining POC NAT acceptability.	POC NAT acceptability survey	117	1	20/60
Participants in cross-sectional comparison of several point-of-care NATs.	Release of information form	333	1	10/60
Acceptability/feasibility assessment among clinical and community providers.	Study visit survey	333	1	15/60
	POC NAT acceptability survey, focus group, or interview.	33	1	1

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2021-13434 Filed 6-23-21; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Needs and Challenges in Personal Protective Equipment (PPE) Use for Underserved User Populations

AGENCY: National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Request for information.

SUMMARY: NIOSH requests information on the Needs and Challenges in Personal Protective Equipment (PPE) Use for Underserved User Populations.

DATES: Submit a letter of information by August 23, 2021.

ADDRESSES: Interested parties should submit information to: NIOSH, Attn: Sherri Diana, National Institute for Occupational Safety and Health, NIOSH Docket Office, 1090 Tusculum Avenue, MS C-34, Cincinnati, Ohio 45226-1998, Email address: ppeconcerns@cdc.gov.

FOR FURTHER INFORMATION CONTACT: N. Katherine Yoon, Ph.D., National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, Email Address: NYoon@cdc.gov, Phone number: 412-386-6752 [non-toll-free number]

SUPPLEMENTARY INFORMATION:

Background: The NIOSH National Personal Protective Technology Laboratory (NPPTL) is expanding its portfolio to include activities that consider the needs of U.S. worker populations who are underserved related to personal protective equipment

(PPE) use, availability, accessibility, acceptability, or knowledge. Underserved PPE user populations may include, but are not limited to, workers who are of an atypical size; who are members of a gender, racial, ethnic, or linguistic minority group; who conduct non-traditional worker activities; or who are members of sub-disciplines that are not the primary focus of the current PPE activities within their larger field. To inform the possible design and execution of these activities, NPPTL seeks information from the public, including individuals/organizations who/that (1) advocate for these worker populations, (2) actively conduct PPE research, services, or policymaking for these worker populations, (3) are planning to conduct PPE research, services, or policymaking for these worker populations, (4) have direct knowledge about research, service, or policy gaps affecting these worker populations, or (5) are current or former PPE users that experienced PPE use, availability, accessibility, acceptability, or knowledge issues.

Information Needs: CDC is particularly interested in receiving information being sought in Request (1). As such, responders are requested to provide information responsive to Request (1), and may address any or all of the topics identified in Requests (2) and (3):

- Request (1) Describe respondent(s)
 - i. Individual or company/institution name, location, and website (if any)
 - ii. Individual or company/institution contact information (include the respondent's role in the organization, address, phone number, and email address)
 - iii. The primary motivation(s) for why you (or your organization) are responding to this Notice
 - iv. Any additional relevant background information about yourself or your organization as well as names of any other organizations currently working in applicable issues
- Request (2) Describe your experiences related to PPE use, availability,

accessibility, acceptability, and knowledge issues for underserved PPE user populations within the U.S. (e.g., individuals of small or large size; members of gender, racial, ethnic or other minority group of a specific occupation, non-traditional workers, etc.)

i. What experiences have you had in recent years related to PPE use, availability, accessibility, acceptability, and knowledge issues for underserved PPE user populations? Also, specify and describe the underserved PPE user group(s) with which you have had experience.

ii. What data/information/resources did you find to be the most relevant/valuable to the experiences described in Request 2(i)?

iii. How long have you or your organization been working in the areas of work identified in Request 2(i)? Did your or your organization's involvement change over time, and if so, how and why?

iv. What achievements were a result of your work in PPE use, availability, accessibility, acceptability, and knowledge for underserved PPE user populations? (e.g., publications, guidance, new/revised policies or procedures, establishment of a key committee)

v. What is your future work plan on PPE use, availability, accessibility, and knowledge for underserved PPE user populations?

Request (3) Describe PPE gaps/barriers that remain to be addressed for underserved PPE user populations within the U.S. related to PPE use, availability, accessibility, acceptability, and knowledge issues (if any)

- i. What research gaps/barriers remain to be addressed?
- ii. What service gaps/barriers remain to be addressed?
- iii. What policy gaps/barriers remain to be addressed?

Informational submissions in response to this Notice are due no later than August 23, 2021. Please limit informational submission to three pages

or less in 12-point font, single-spaced. NIOSH will not respond to individual informational submissions nor publish publicly a compendium of responses. An informational submission in response to this Notice does not create any commitment on or behalf of CDC or HHS to develop or pursue any program or ideas discussed herein or related to PPE use for underserved user populations more generally.

Disclaimer and Important Notes

This **Federal Register** Notice is for planning purposes; it does not constitute a formal announcement for comprehensive applications. In accordance with Federal Acquisition Regulation 48 CFR 15.201(e), responses to this Notice are not offers and cannot be accepted by the Government to form a binding award. NIOSH will not provide reimbursement for costs incurred in responding to this Notice.

John J. Howard,

Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention.

[FR Doc. 2021–13263 Filed 6–23–21; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–21–1266]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled “HIV prevention among Latina transgender women who have sex with men: Evaluation of a locally developed intervention” to the Office of Management and Budget (OMB) for review and approval. CDC previously published a “Proposed Data Collection Submitted for Public Comment and Recommendations” notice on February 25, 2021 to obtain comments from the public and affected agencies. CDC received one comment related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) Evaluate whether the proposed collection of information is necessary

for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570. 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. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

HIV prevention among Latina transgender women who have sex with men: Evaluation of a locally developed intervention (OMB Control No. 0920–1266, Exp. 6/30/2021)—Revision—National Center for HIV/AIDS, Viral Hepatitis, STD and TB Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The National Center for HIV/AIDS, Viral Hepatitis, STD and TB Prevention (NCHHSTP) is requesting approval for a two-year extension of a currently approved ICR (OMB Control No. 0920–1266), titled “HIV prevention among Latina transgender women who have sex with men: Evaluation of a locally developed intervention.” The goal of this study is to evaluate the efficacy of ChiCAS (Chicas Creando Acceso a la Salud [Chicas: Girls Creating Access to

Health]), a locally developed and culturally congruent two-session Spanish-language small-group combination intervention, designed to promote consistent condom use, and access to, and participation in, pre-exposure prophylaxis (PrEP) and medically supervised hormone therapy by HIV seronegative Hispanic/Latina transgender women who have sex with men.

The information collected through this study will be used to evaluate whether the ChiCAS intervention is an effective HIV-prevention strategy by assessing whether exposure to the intervention results in improvements in participants’ health and HIV prevention behaviors. The study will compare pre-(baseline) and post-intervention (six-month) levels of HIV risk among participants who have received the intervention and participants who have not yet received the intervention (delayed-intervention group).

This study will be carried out in metropolitan areas in and around North Carolina, including Asheville, NC; Charlotte, NC; Research Triangle (metropolitan area of Greensboro, Winston-Salem and High Point NC); Raleigh, NC; Wilmington, NC; and Greenville, SC. The study population will include 140 HIV-negative Spanish-speaking transgender women. Participants will be adults, at least 18 years of age, self-identify as male-to-female transgender or report having been born male and identifying as female, and report having sex with at least one man in the past six months. We anticipate participants will be comprised mainly of racial/ethnic minority participants under 35 years of age, consistent with the epidemiology of HIV infection among transgender women.

Intervention participants will be recruited to the study through a combination of approaches, including traditional print advertisement, referral, in-person outreach, and through word of mouth. A quantitative assessment will be used to collect information for this study, which will be delivered at the time of study enrollment, and again at a six-month follow up. The assessment will be used to measure differences in sexual risk knowledge, perceptions and behaviors including condom use, PrEP use, and use of medically supervised hormone therapy. Intervention mediators, including healthcare provider trust and communication skills, self-reported health status and healthcare access, community attachment and social support will also be measured. All participants will complete an assessment at baseline and

again at a six-month follow-up, after enrolling in the study. The intervention group will participate in ChiCAS after completing the baseline assessment and the delayed intervention group will participate in ChiCAS after completing the six-month follow up assessment.

CDC will also examine intervention experiences through in-depth interviews with 30 intervention group participants. The interviews will capture participants' general experiences with the ChiCAS intervention, as well as

their experiences and perceptions specific to the main study outcomes: PrEP knowledge, awareness, interest and use; condom skills and use; and hormone therapy knowledge, awareness, interest and use.

It is expected that 50% of transgender women screened will meet study eligibility. We expect the initial screening and contact information gathering to take approximately four minutes to complete. The baseline assessment will take 60 minutes to

complete and will be administered to 140 participants. The follow up assessment will take 45 minutes to complete and will be administered to 140 participants one time. The interview will take 90 minutes to complete and will be administered to 30 participants from the intervention group one time.

There are no costs to the respondents other than their time. The total estimated annualized burden hours are 155.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
General Public—Adults	Eligibility Screener	140	1	3/60
General Public—Adults	Contact Information	70	1	1/60
General Public—Adults	Baseline Assessment	70	1	60/60
General Public—Adults	Follow-up Assessment	70	1	45/60
General Public—Adults	Interview	15	1	90/60

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2021-13436 Filed 6-23-21; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day-21-0604; Docket No. CDC-2021-0057]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled "School-Associated Violent Deaths Surveillance System (SAVD)."

DATES: CDC must receive written comments on or before August 23, 2021.

ADDRESSES: You may submit comments, identified by Docket No. CDC-2021-0057 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS-D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov*.

Please note: Submit all comments through the Federal eRulemaking portal (regulations.gov) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS-D74, Atlanta, Georgia 30329; phone: 404-639-7570; Email: *omb@cdc.gov*.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501-3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new

proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected;
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses; and
5. Assess information collection costs.

Proposed Project

School Associated Violent Death Surveillance System (OMB No. 0920-0604, expiration 07/31/2022)—Revision—National Center for Injury Prevention and Control (NCIPC),

Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Division of Violence Prevention (DVP), National Center for Injury Prevention and Control (NCIPC), proposes to maintain a system for the surveillance of school-associated homicides and suicides. The system relies on existing public records and interviews with law enforcement officials and school officials. The purpose of the system is to (1) estimate the rate of school-associated violent death in the United States, and (2) identify common features of school-associated violent deaths. The system will contribute to the understanding of fatal violence associated with schools, guide further research in the area, and help direct ongoing and future prevention programs.

Violence is the leading cause of death among young people, and increasingly recognized as an important public health and social issue. In 2016, over 3,600 school-aged children (five to 18 years old) in the United States died violent deaths due to suicide, homicide, and unintentional firearm injuries. The vast majority of these fatal injuries were not school associated. However, whenever a homicide or suicide occurs in or around school, it becomes a matter of particularly intense public interest and concern. NCIPC conducted the first scientific study of school-associated violent deaths (SAVD) during the 1992–99 academic years to establish the true extent of this highly visible problem. Despite the important role of schools as a setting for violence research and prevention interventions, relatively little scientific or systematic work has been done to describe the nature and level of fatal violence associated with

schools. Until NCIPC conducted the first nationwide investigation of violent deaths associated with schools, public health and education officials had to rely on limited local studies and estimated numbers to describe the extent of school-associated violent death.

SAVD is an ongoing surveillance system that draws cases from the entire United States in an attempt to capture all cases of school-associated violent deaths that have occurred. Investigators review public records and published press reports concerning each school-associated violent death. For each identified case, investigators also contact the corresponding law enforcement agency and speak with an official in order to confirm or reject the case as an SAVD, and to request a copy of the official law enforcement report for confirmed SAVD cases.

In past years, investigators would interview an investigating law enforcement official (defined as a police officer, police chief, or district attorney), and a school official (defined as a school principal, school superintendent, school counselor, school teacher, or school support staff) who were knowledgeable about the case in question; however, moving forward, the interviews with these respondents will be eliminated, and instead CDC study personnel will abstract data from law enforcement reports to enter using a Data Abstraction Tool. Data to be abstracted from the law enforcement report include the following: Information on both the victim and alleged offender(s)—including demographic data, their criminal records, and their relationship to one another; the time and location of the incident precipitating the fatality; the circumstances, motive, and method of the fatal injury; and the security and

violence prevention activities in the school and community where the death occurred, before and after the fatal injury event. The revised data collection process eliminates the use of telephone interviews and will greatly reduce respondents’ burden.

This is a revision request for the currently approved “School-Associated Violent Deaths Surveillance System” (SAVD; OMB No. 0920–0604, expiration 07/31/2022). CDC seeks to (1) collect the majority of the data on school-associated violent deaths through the National Violent Death Reporting System (NVDRS), (2) eliminate the use of abstraction of law enforcement reports through the SAVD, and (3) transition to abstraction of published press reports by SAVD study staff. The overall burden for the collection of school-associated violent deaths will be increased by six hours. Data collection will transition entirely to the NVDRS once cases from 2020 are fully abstracted and there is the capability for nationwide coverage of the collection of school-associated violent deaths through NVDRS. All data are secured using technical, physical, and administrative controls. Hard copies of data are kept under lock and key in secured offices, located in a secured facility that can be accessed only by presenting the appropriate credentials. Digital data are password protected and then stored (and backed up routinely) onto a secure Local Area Network that can only be accessed by individuals who have been appropriately authorized. Study data are reported in the aggregate, such that no individual case can be identified from the reports.

CDC requests approval for an estimated 23 annual burden hours. There are no costs to the respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Response burden (hours)	Total burden hours
Public Agencies	Retrieving and refiling records	45	1	30/60	23
Total .....	.....	.....	.....	.....	23

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2021–13437 Filed 6–23–21; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

[30Day–21–0062]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Agency for Toxic Substances and Disease Registry (ATSDR) has submitted the information collection request titled “Supplemental Measurements for Exploratory Research Regarding Exposure During Activities Conducted on Synthetic Turf Fields with Tire Crumb Rubber Infill” to the Office of Management and Budget (OMB) for review and approval. ATSDR previously published a “Proposed Data Collection Submitted for Public Comment and Recommendations” notice on February 12, 2021 to obtain comments from the public and affected agencies. ATSDR received one comment related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

ATSDR will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

- (a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- (b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- (c) Enhance the quality, utility, and clarity of the information to be collected;
- (d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses; and
- (e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570. 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. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

Supplemental Measurements for Exploratory Research Regarding Exposure During Activities Conducted on Synthetic Turf Fields with Tire Crumb Rubber Infill (OMB Control No. 0923–0062, Exp. Date 10/31/2021)—Extension—Office of Community Health and Hazard Assessment, Agency for Toxic Substances and Disease Registry (ATSDR).

Background and Brief Description

ATSDR is requesting a two-year extension for the research study, titled “Supplemental Measurements for Exploratory Research Regarding Exposure During Activities Conducted on Synthetic Turf Fields with Tire Crumb Rubber Infill.” (OMB Control No. 0923–0062, expiration date 10/31/2021). ATSDR is seeking Paperwork Reduction Act (PRA) clearance to extend the data collection period due to delays encountered with the COVID–19 pandemic.

Currently in the United States, there are more than 12,000 synthetic turf fields in use. While the Synthetic Turf Council has set guidelines for the content of crumb rubber used as infill in synthetic turf fields, manufacturing processes result in differences among types of crumb rubber. Additionally, the chemical composition may vary highly between different processes and source materials and may vary even within granules from the same origin.

The research protocol, Collections Related to Synthetic Turf Fields with Crumb Rubber Infill, has been conducted previously under two information collection requests (ICRs): Activity 1 under OMB Control No. 0923–0054 (expiration date 01/31/2017) and Activities 2 and 3 under OMB Control No. 0923–0058 (expiration date 08/13/2018), which were limited to collections from August to October, 2017. Activities 2 and 3 aimed to evaluate and characterize the human exposure potential to constituents in

crumb rubber infill among a convenience sample of 60 field users (Activity 2) and to collect biological specimens (blood and urine) from 45 participants (Activity 3). Due to the limited enrollment and collection period, the target Activity 2 and Activity 3 sample sizes were not met in 2017.

The current request seeks to conduct supplemental measurements to expand the exploratory analysis conducted under OMB 0923–0058. The current request allows for further investigation of patterns observed in the preliminary data from the 2017 pilot-scale exposure measurements of individuals playing on synthetic turf fields with crumb rubber infill and includes collecting data from a small number of individuals who play on grass fields.

In December 2020, ATSDR submitted a change request to OMB to incorporate COVID–19 prevention and protection measures. The change request was approved on 2/22/2021. The COVID–19 prevention and protection measures will be implemented before data collection begins.

The current study is a larger-scale supplemental assessment of exposure potential for individuals who use/play on synthetic turf fields with tire crumb rubber infill. The study includes persons who use synthetic turf with crumb rubber infill (*e.g.*, facility users) and who routinely perform activities that would result in a high level of contact to crumb rubber. The study also includes persons who use natural grass fields. This allows for evaluation of potential high-end exposures to constituents in synthetic turf among this group of users and for comparison to individuals who do not play on synthetic turf fields with tire crumb rubber infill. The respondents are administered a detailed questionnaire on activity patterns on synthetic turf with crumb rubber infill. This instrument allows ATSDR to characterize exposure scenarios, including the nature and duration of potential exposures. Additionally, we are collecting urine samples pre- and post-activity. The urine samples will be analyzed for polycyclic aromatic hydrocarbons and then archived for future analysis.

For the extension request, there are no changes to the instruments, the total burden hours, and to the total number of respondents. The research study aims to screen a total of 220 participants for eligibility. The sample size for synthetic turf field users is 150 and 50 for the

natural grass field users. The total burden hours for the research study is 184 hours among all of the 220 respondents. There is no cost to the respondents other than their time in the study.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Avg. burden per response (in hrs.)
Adult/Adolescent Facility Users	Eligibility Screening Script	110	1	5/60
	Adult and Adolescent Questionnaire	100	1	30/60
	Exposure Measurement Form	100	1	20/60
Parents/Guardians of Youth/Child Facility Users	Eligibility Screening Script	110	1	5/60
	Youth and Child Questionnaire	100	1	30/60
Youth/Child Facility Users	Exposure Measurement Form	100	1	20/60

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2021-13435 Filed 6-23-21; 8:45 am]

BILLING CODE 4163-70-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS-10185]

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 26, 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 previously

approved collection; *Title of Information Collection:* Medicare Part D Reporting Requirements; *Use:* Section 1860D-12(b)(3)(D) of the Act provides broad authority for the Secretary to add terms to the contracts with Part D sponsors, including terms that require the sponsor to provide the Secretary with information as the Secretary may find necessary and appropriate. Pursuant to our statutory authority, we codified these information collection requirements for Part D sponsors in regulation at 42 CFR 423.514(a).

Data collected via the Medicare Part D reporting requirements will be an integral resource for oversight, monitoring, compliance, and auditing activities necessary to ensure quality provision of the Medicare Prescription Drug Benefit to beneficiaries. For all reporting sections (Enrollment and Disenrollment, Medication Therapy Management (MTM) Programs, Grievances, Improving Drug Utilization Review Controls, Coverage Determinations and Redeterminations, and Employer/Union Sponsored Sponsors), data are reported electronically to CMS. The data collected via the MTM and Grievances reporting sections are used in the Medicare Part C and D Star Ratings and Display Measures. The other reporting sections' data are analyzed for program oversight to ensure the availability, accessibility, and acceptability of sponsors' services, such as coverage determinations and appeals processes, and opioid safety edits at the time of dispensing. *Form Number:* CMS-10185 (OMB control number: 0938-0992); *Frequency:* Yearly; *Affected Public:* Business or other for-profits; *Number of Respondents:* 814; *Total Annual Responses:* 12,575; *Total Annual Hours:* 16,463. (For policy questions regarding this collection contact Chanelle Jones at 410-786-8008).

Dated: June 17, 2021.
William N. Parham, III,
Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.
 [FR Doc. 2021-13223 Filed 6-23-21; 8:45 am]
BILLING CODE 4120-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Evaluation of LifeSet (New Collection)

AGENCY: Office of Planning, Research, and Evaluation; Administration for Children and Families; HHS.
ACTION: Request for public comment.

SUMMARY: The Administration for Children and Families (ACF) at the U.S. Department of Health and Human Services (HHS) is proposing a new information collection activity to assess the impact and implementation of LifeSet, a program that provides services and supports to young adults ages 17 to 21 with previous child welfare involvement. Data collection efforts will include accessing administrative data from the child welfare agency, program, and other private and governmental databases; surveys of young adults (participants and those receiving services as usual); interviews and focus groups with program and child welfare agency administrators and staff; interviews and focus groups with young adult program participants; and interviews with other program stakeholders.

DATES: *Comments due within 30 days of publication.* OMB must make a decision about the collection of information

between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

SUPPLEMENTARY INFORMATION:
Description: The proposed information collection activity is the first phase of a larger study that intends to assess the impact and implementation of LifeSet, a program that provides services and supports to young adults ages 17 to 21 with previous child welfare involvement. The program aims to support young adults in their transition from foster care to independent living in the areas of education, employment and earnings, housing and economic well-being, social support, well-being, health and safety, and criminal involvement. It focuses on helping young adults identify and achieve their goals while developing the skills necessary for independent living.

The impact study will assess the effects of young adults’ participation in LifeSet on outcomes in the primary (*i.e.*, confirmatory) domains of education and employment, housing stability, social support, and well-being. These outcomes have been identified by the implementing agency as the main areas they expect to target for positive program impacts. In addition, the impact study will explore the effects of participation in the secondary (*i.e.*,

exploratory) domains of mental health, criminal justice system contact, intimate partner violence, and economic well-being. The study will utilize a randomized controlled design. Information collection activities will take place over three years and will include collection of administrative data from the state child welfare agency, the program developer, the local program provider agencies, the National Student Clearinghouse, unemployment insurance and employer wage records, the National Directory of New Hires, the state homelessness management information system, the state department of corrections, the state juvenile justice commission, the state court probation services division, and the state department of human services division of family development, as well as survey interviews with program participants and young adults receiving services as usual.

The implementation study will collect information through phone calls and site visits to the participating program and child welfare agency. Information collection activities include interviews and focus groups with administrators and staff from the program developer, child welfare agency, and program providers.

This evaluation is part of a larger project to help ACF build the evidence base in child welfare through rigorous evaluation of programs, practices, and policies. The activities and products from this project will contribute to evidence building in child welfare and help to determine the effectiveness of a program for youth formerly in foster care on young adult outcomes.

Respondents: Program participants, young adults receiving services as usual, agency and program administrators and staff, other program stakeholders.

ANNUAL BURDEN ESTIMATES

Instrument	Respondents	Number of respondents (total over request period)	Number of responses per respondent (total over request period)	Average burden per response (in hours)	Total burden (in hours)	Annual burden (in hours)
Site Visit 1 Interview Guide for Administrators.	Child Welfare Agency Administrators. Licensed LifeSet Experts Provider Agency Administrators LifeSet Developer Administrators	22	1	1	22	7
Site Visit 2 Interview Guide for Administrators.	Child Welfare Agency Administrators.	22	1	1	22	7

ANNUAL BURDEN ESTIMATES—Continued

Instrument	Respondents	Number of respondents (total over request period)	Number of responses per respondent (total over request period)	Average burden per response (in hours)	Total burden (in hours)	Annual burden (in hours)
Site Visit 2 Focus Group Guide for Staff.	Licensed LifeSet Experts Provider Agency Administrators LifeSet Developer Administrators LifeSet Specialists	12	1	1.5	18	6
Baseline Youth Survey	LifeSet Team Supervisors Youth Formerly in Foster Care.	600	1	0.6	360	120
Administrative data file	Agency and Program Staff	12	1	5	60	20

Estimated Total Annual Burden Hours: 160.

Authority: 42 U.S.C. 677.

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2021-13468 Filed 6-23-21; 8:45 am]

BILLING CODE 4184-25-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2017-D-2462]

Eligibility for the Index of Legally Marketed Unapproved New Animal Drugs for Minor Species; Request for Comments

AGENCY: Food and Drug Administration, Health and Human Services (HHS).

ACTION: Notice; request for comments.

SUMMARY: The Food and Drug Administration (FDA, we, or the Agency) is soliciting comments on our current policy on eligibility for indexing. Indexing is the process of adding an unapproved drug for a minor species to our index of legally marketed unapproved new animal drugs for minor species (the Index). Except for in some early non-food life stages, members of a food-producing minor species are not eligible for indexing, even if a subset of animals within a food-producing minor species is not intended to be consumed by humans or food-producing animals. Specifically, we are requesting comment on this policy.

DATES: Submit either electronic or written comments on the notice by September 22, 2021.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before September 22,

2021. The <https://www.regulations.gov> electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of September 22, 2021. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

Written/Paper Submissions

Submit written/paper submissions as follows:

- **Mail/Hand Delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA-305), Food and

Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in "Instructions."

Instructions: All submissions received must include the Docket No. FDA-2017-D-2462 for "Eligibility for the Index of Legally Marketed Unapproved New Animal Drugs for Minor Species." Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240-402-7500.

- **Confidential Submissions—**To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states "THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION." The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as

“confidential.” Any information marked as “confidential” will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA’s posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the “Search” box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240-402-7500.

FOR FURTHER INFORMATION CONTACT: Dorothy Bailey, Center for Veterinary Medicine, Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 240-402-0565, dorothy.bailey@fda.hhs.gov.

SUPPLEMENTARY INFORMATION:

I. Background

The Minor Use and Minor Species Animal Health Act of 2004 (MUMS Act) (Pub. L. 108-282) amended the Federal Food, Drug, and Cosmetic Act (FD&C Act) to provide incentives to develop new animal drugs for minor species and minor uses. By enacting the MUMS Act, Congress sought to encourage the development of animal drugs that are unavailable to minor species (species other than cattle, horses, swine, chickens, turkeys, dogs, and cats) or to major species afflicted with uncommon diseases or conditions (minor use), while still ensuring appropriate safeguards for animal and human health. Congress recognized that the markets for drugs intended to treat these species, diseases, or conditions are too small to motivate animal drug companies to develop data to support drug approvals. Further, Congress recognized that some minor species populations have management systems too diverse to make it practical to conduct traditional studies to demonstrate safety and effectiveness of animal drugs for such uses.

One of the incentives established by the MUMS Act is the Index of Legally Marketed Unapproved New Animal Drugs for Minor Species (section 572 of the FD&C Act (21 U.S.C. 360ccc-1)). The final rule establishing administrative procedures and criteria for adding a new animal drug to the Index was published in the **Federal Register** on December 6, 2007 (72 FR

69108). The regulations are codified in Title 21, Code of Federal Regulations (CFR) part 516, subpart C.

We refer to the process of adding a new animal drug to the Index as “indexing.” Instead of using the new animal drug approval process, indexing is a faster and less expensive pathway to legal marketing of unapproved new animal drugs for use in some minor species. Adding a new animal drug to the Index uses a combination of FDA and qualified expert panel review. It is a three-step process with each step involving a submission from a requestor (the person making a request for determination of eligibility) and a review and decision by FDA. The three steps are as follows:

1. Requesting determination of eligibility for indexing (see 21 CFR 516.129);
2. Proposing a qualified expert panel to evaluate safety to the animal being treated (target animal safety) and effectiveness (see 21 CFR 516.141); and
3. Requesting addition to the Index (see 21 CFR 516.145).

As part of this process, FDA reviews information to support environmental safety, human user safety, manufacturing processes, and human food safety considerations. A qualified expert panel, once accepted by FDA, reviews information to support effectiveness and target animal safety of the new animal drug. The expert panel reviews all available information regarding target animal safety and effectiveness information, which can include study data, literature, and anecdotal information, to determine if the benefit of using the new animal drug outweighs the risk to the target animal. The expert panel must be unanimous that the benefit outweighs the risk for a drug to be added to the Index. FDA reviews the findings of the expert panel and the labeling for the new animal drug as part of the final submission. If we agree with the expert panel’s conclusions, the drug is added to the Index found on our website at <https://www.fda.gov/animal-veterinary/minor-use-minor-species/index-legally-marketed-unapproved-new-animal-drugs-minor-species>. Once a drug is listed in the Index, the holder (the requestor of an index listing after a request is granted) is required to report to us any adverse events associated with use of the new animal drug. Extra-label use of an indexed drug is prohibited. This means a veterinarian or animal owner using an indexed drug can only do so legally by following label instructions.

Section 572(a)(1) of the FD&C Act states that the Index is limited to new

animal drugs intended for use in a minor species for which there is a reasonable certainty that the animal or edible products from the animal will not be consumed by humans or food-producing animals; and new animal drugs intended for use only in a hatchery, tank, pond, or other similar contained man-made structure in an early, non-food life stage of a food-producing minor species, where safety for humans is demonstrated in accordance with the standard of section 512(d) of the FD&C Act (including, for an antimicrobial new animal drug, with respect to antimicrobial resistance).

For the purposes of indexing, FDA’s Guidance for Industry #210 entitled “The Index of Legally Marketed Unapproved New Animal Drugs for Minor Species”¹ states that we consider a minor species to be a food-producing minor species when some members of the species are bred, cultured, farmed, ranches, hunted, caught, trapped, or otherwise harvested for the purpose of having the animals or edible products of the animals *commercially distributed* for consumption by humans or food-producing animals in the United States. When defining food-producing minor species for the indexing process, we adhered to current policy for new animal drug approvals regarding food-producing animals. For many years, we have considered an animal to be food-producing if any member of that species is raised to be food for humans. For example, some rabbits are raised to be used as food for humans; under current policy, including indexing policy, all rabbits, regardless of where they are housed, are considered to be food-producing. This means that a drug for use in laboratory rabbits is ineligible for indexing even though a rabbit raised for use in research is not intended to be consumed by humans or other food-producing animals.

II. Stakeholder Feedback

We have received feedback from multiple animal stakeholder groups regarding the current indexing policy for eligibility. These stakeholders have asked us to allow indexing of drugs for use in certain populations of animals that would be considered food-producing under current indexing policy. Instead of considering any member of a food-producing minor species ineligible for indexing, they have requested that we establish criteria that, if met, could determine that a subset of animals within a food-producing minor species is eligible for

¹ Available at: <https://www.fda.gov/media/107583/download>.

indexing because they are not consumed by humans or by food-producing animals. Using the previous example of rabbits, this would mean a drug intended for use in laboratory rabbits could be eligible for indexing because this distinct population of rabbits is not intended to enter the human food chain. The stakeholders assert that because there is a reasonable certainty that laboratory rabbits will not be eaten, they should be considered to be non-food-producing for the purposes of indexing.

We want to optimize the incentives provided in the MUMS Act and support its intended purpose to increase legal drug availability for minor species. Changing current indexing policy for eligibility could help promote legal drug availability for underserved populations of animals; however, we do not intend to implement such a change if it might adversely affect human or animal health. The purpose of this notice is to give stakeholders the opportunity to provide feedback about this potential change to the current indexing policy for eligibility.

III. Request for Comments

We request comments, including response to the specific questions that follow, to assist in evaluating whether changing our current indexing policy for eligibility can increase the availability of safe and effective new animal drugs for use in some minor species while continuing to protect human and animal health.

Specifically, we request comment on the following:

1. What are the reasons we should or should not expand eligibility for indexing to certain discrete subsets of food-producing minor species?
2. If you support the expansion of indexing, please describe the information we should evaluate when determining which discrete subsets of food-producing minor species should be eligible.
3. Are there any discrete subsets of food-producing minor species that you believe should be eligible for indexing because they are not intended for consumption by humans or food-producing animals?

Dated: June 16, 2021.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2021-13417 Filed 6-23-21; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2018-N-3741]

Remanufacturing of Medical Devices; Draft Guidance for Industry and Food and Drug Administration Staff; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of the draft guidance entitled “Remanufacturing of Medical Devices.” This draft guidance is intended to help clarify whether activities performed on devices are likely “remanufacturing.” This draft guidance also includes recommendations for information that should be included in labeling to help assure the continued quality, safety, and effectiveness of devices that are intended to be serviced over their useful life. This draft guidance is not final nor is it in effect at this time.

DATES: Submit either electronic or written comments on the draft guidance by August 23, 2021 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else’s Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the

manner detailed (see “Written/Paper Submissions” and “Instructions”).

Written/Paper Submissions

Submit written/paper submissions as follows:

- **Mail/Hand delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in “Instructions.”

Instructions: All submissions received must include the Docket No. FDA-2018-N-3741 for “Remanufacturing of Medical Devices.” Received comments will be placed in the docket and, except for those submitted as “Confidential Submissions,” publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240-402-7500.

- **Confidential Submissions—**To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states “THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.” The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as “confidential.” Any information marked as “confidential” will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA’s posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to [https://](https://www.regulations.gov)

www.regulations.gov and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240-402-7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

An electronic copy of the guidance document is available for download from the internet. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance. Submit written requests for a single hard copy of the draft guidance document entitled "Remanufacturing of Medical Devices" to the Office of Policy, Guidance and Policy Development, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5431, Silver Spring, MD 20993-0002 or to the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993-0002. Send one self-addressed adhesive label to assist that office in processing your request.

FOR FURTHER INFORMATION CONTACT: Katelyn Bittleman, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 4250, Silver Spring, MD 20993-0002, 240-402-1478; Joshua Silverstein, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 1615, Silver Spring, MD 20993-0002, 301-796-5155; or Stephen Ripley, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993, 240-402-7911.

SUPPLEMENTARY INFORMATION:

I. Background

Many devices are reusable and need preventive maintenance and repair during their useful life. For these devices, proper servicing is critical to their continued safe and effective use. However, there is a lack of clarity regarding the distinction between "servicing" and "remanufacturing." FDA has been working to gain additional perspectives on the distinction between "servicing" and "remanufacturing" and has undertaken several efforts to help promote clarity. FDA opened a docket for public comment (81 FR 11477) and held a

public workshop (81 FR 46694) in 2016. Public comments submitted to this docket are searchable under FDA-2016-N-0436 (<https://www.regulations.gov/docket?D=FDA-2016-N-0436>). In 2018, FDA issued a white paper, opened a public docket, and held a public workshop to facilitate public discussion on the distinction between servicing and remanufacturing. Public comments submitted to this docket are searchable under FDA-2018-N-3741 (<https://www.regulations.gov/docket?D=FDA-2018-N-3741>). The white paper described FDA's initial thoughts about guiding principles, provided a flowchart with accompanying text for understanding the distinctions, and contained a complementary approach for software, as well as considerations for labeling, and examples utilizing the flowchart. FDA also included targeted questions throughout the white paper for which the Agency sought feedback. FDA concurrently opened a docket under FDA-2018-N-3741 and held a public workshop to discuss the white paper and obtain public comment before issuing draft guidance. FDA considered the comments from the public docket and discussions during the public workshop in developing this draft guidance.

Because of the apparent confusion between servicing and remanufacturing among entities performing these activities, FDA committed in the "FDA Report on the Quality, Safety, and Effectiveness of Servicing of Medical Devices" (<https://www.fda.gov/media/113431/download>) to issue guidance that clarifies the difference between servicing and remanufacturing activities. To assist with this clarification, FDA focuses this draft guidance on those activities that are likely remanufacturing. The determination of whether the activities an entity performs are remanufacturing affects the applicability and enforcement of regulatory requirements under the Federal Food, Drug, and Cosmetic Act (FD&C Act) and its implementing regulations. FDA has consistently enforced requirements under the FD&C Act and its implementing regulations on entities engaged in remanufacturing, including but not limited to registration and listing, adverse event reporting, the Quality System regulation, and marketing submissions.

For activities involving components/parts/materials, FDA recommends the use of the flowchart in the draft guidance to help entities determine if their activities are likely remanufacturing. Although the servicing and remanufacturing definitions and

guiding principles in this draft document apply to software, the flowchart should not be applied to changes involving software. FDA has instead identified several activities performed on software that are likely not remanufacturing. This draft guidance also includes recommendations for information that should be included in labeling to help assure the continued quality, safety, and effectiveness of devices that are intended to be serviced over their useful life. This draft guidance is not intended to adopt significant policy changes, but to clarify FDA's current thinking on applicable definitions, and clarify, not change, the regulatory requirements applicable to remanufacturers.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on "Remanufacturing of Medical Devices." It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Electronic Access

Persons interested in obtaining a copy of the draft guidance may do so by downloading an electronic copy from the internet. A search capability for all Center for Devices and Radiological Health guidance documents is available at <https://www.fda.gov/medical-devices/device-advice-comprehensive-regulatory-assistance/guidance-documents-medical-devices-and-radiation-emitting-products> or from the Center for Biologics Evaluation and Research at <https://www.fda.gov/vaccines-blood-biologics/guidance-compliance-regulatory-information-biologics/biologics-guidances>. This guidance document is also available at <https://www.regulations.gov> and at <https://www.fda.gov/regulatory-information/search-fda-guidance-documents>. Persons unable to download an electronic copy of "Remanufacturing of Medical Devices" may send an email request to CDRH-Guidance@fda.hhs.gov to receive an electronic copy of the document. Please use the document number 17048 and complete title to identify the guidance you are requesting.

III. Other Issues for Consideration

FDA's white paper introduced a flowchart that the Agency was considering proposing in draft guidance. FDA requested public comment on this flowchart during our December 2018

workshop and through the Docket No. FDA-2018-N-3741. While FDA has considered all comments and made changes as appropriate, FDA received opposing comments that suggested either no flowchart or more detail than FDA provided in the white paper. FDA encourages all interested stakeholders to comment on their preferred approach to help determine whether activities are remanufacturing and their rationale for

such, using the following options: (1) No flowchart; (2) a flowchart similar to that proposed by FDA in this draft guidance; and (3) a more detailed flowchart, such as that proposed in comment FDA-2018-N-3741-0036.

IV. Paperwork Reduction Act of 1995

While this guidance contains no collection of information, it does refer to previously approved FDA collections of information. Therefore, clearance by the

Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501-3521) is not required for this guidance. The previously approved collections of information are subject to review by OMB under the PRA. The collections of information in the following FDA regulations and forms have been approved by OMB as listed in the following table:

21 CFR part; or FDA form	Topic	OMB control No.
800, 801, and 809	Medical Device Labeling Regulations	0910-0485
803	Medical Devices; Medical Device Reporting; Manufacturer Reporting, Importer Reporting, User Facility Reporting, Distributor Reporting.	0910-0437
820	Current Good Manufacturing Practice (CGMP); Quality System (QS) Regulation	0910-0073
807, subparts A through D	Electronic Submission of Medical Device Registration and Listing	0910-0625
807, subpart E	Premarket Notification	0910-0120
Form FDA 3670	Adverse Event Reports/MedSun program	0910-0471

Dated: June 15, 2021.
Lauren K. Roth,
Acting Principal Associate Commissioner for Policy.
 [FR Doc. 2021-13360 Filed 6-23-21; 8:45 am]
BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2020-E-1281]

Determination of Regulatory Review Period for Purposes of Patent Extension; ZOLGENSMA

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) has determined the regulatory review period for ZOLGENSMA and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that human biological product.

DATES: Anyone with knowledge that any of the dates as published (see **SUPPLEMENTARY INFORMATION**) are incorrect may submit either electronic or written comments and ask for a redetermination by August 23, 2021. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence

during the regulatory review period by December 21, 2021. See “Petitions” in the **SUPPLEMENTARY INFORMATION** section for more information.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before August 23, 2021. The <https://www.regulations.gov> electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of August 23, 2021. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else’s Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see “Written/Paper Submissions” and “Instructions”).

Written/Paper Submissions

Submit written/paper submissions as follows:

- **Mail/Hand Delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in “Instructions.”
- **Instructions:** All submissions received must include the Docket No. FDA-2020-E-1281 for “Determination of Regulatory Review Period for Purposes of Patent Extension; ZOLGENSMA.” Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as “Confidential Submissions,” publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240-402-7500.
- **Confidential Submissions—**To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential

with a heading or cover note that states "THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION." The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as "confidential." Any information marked as "confidential" will not be disclosed except in accordance with § 10.20 (21 CFR 10.20) and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240-402-7500.

FOR FURTHER INFORMATION CONTACT: Beverly Friedman, Office of Regulatory Policy, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6250, Silver Spring, MD 20993, 301-796-3600.

SUPPLEMENTARY INFORMATION:

I. Background

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98-417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100-670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human

biological products, the testing phase begins when the exemption to permit the clinical investigations of the biological product becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human biological product and continues until FDA grants permission to market the biological product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of USPTO may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human biological product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA has approved for marketing the human biologic product ZOLGENSMA (onasemnogene abeparvovec-xioi). ZOLGENSMA is indicated for treatment of pediatric patients less than 2 years of age with spinal muscular atrophy with bi-allelic mutations in the *survival motor neuron 1* gene. Subsequent to this approval, the USPTO received a patent term restoration application for ZOLGENSMA (U.S. Patent No. 7,906,111) from REGENXBIO, Inc., and the USPTO requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated May 26, 2020, FDA advised the USPTO that this human biological product had undergone a regulatory review period and that the approval of ZOLGENSMA represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product's regulatory review period.

II. Determination of Regulatory Review Period

FDA has determined that the applicable regulatory review period for ZOLGENSMA is 2,088 days. Of this time, 1,852 days occurred during the testing phase of the regulatory review period, while 236 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) became effective:* September 6, 2013. The applicant claims September 7, 2013, as the date the investigational new drug application (IND) became effective. However, FDA records indicate that the IND effective date was September 6,

2013, which was 30 days after FDA receipt of the IND.

2. *The date the application was initially submitted with respect to the human biological product under section 351 of the Public Health Service Act (42 U.S.C. 262):* October 1, 2018. FDA has verified the applicant's claim that the biologics license application (BLA) for ZOLGENSMA (BLA 125694) was initially submitted on October 1, 2018.

3. *The date the application was approved:* May 24, 2019. FDA has verified the applicant's claim that BLA 125694 was approved on May 24, 2019.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 1,162 days of patent term extension.

III. Petitions

Anyone with knowledge that any of the dates as published are incorrect may submit either electronic or written comments and, under 21 CFR 60.24, ask for a redetermination (see **DATES**). Furthermore, as specified in § 60.30 (21 CFR 60.30), any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must comply with all the requirements of § 60.30, including but not limited to: Must be timely (see **DATES**), must be filed in accordance with § 10.20, must contain sufficient facts to merit an FDA investigation, and must certify that a true and complete copy of the petition has been served upon the patent applicant. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41-42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Submit petitions electronically to <https://www.regulations.gov> at Docket No. FDA-2013-S-0610. Submit written petitions (two copies are required) to the Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Dated: June 16, 2021.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2021-13411 Filed 6-23-21; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2021-D-0409]

COVID-19: Master Protocols Evaluating Drugs and Biological Products for Treatment or Prevention; Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a final guidance for industry entitled “COVID-19: Master Protocols Evaluating Drugs and Biological Products for Treatment or Prevention.” FDA is issuing this guidance to assist sponsors developing master protocols for trials evaluating drugs and biological products for the treatment or prevention of COVID-19. This guidance primarily focuses on the trial design and conduct as well as statistical considerations for master protocols intended to generate substantial evidence of effectiveness and adequate characterization of safety for COVID-19. Additionally, this guidance provides administrative and procedural recommendations to sponsors of master protocols for COVID-19. Given the public health emergency presented by COVID-19, this guidance document is being implemented without prior public comment because FDA has determined that prior public participation is not feasible or appropriate, but it remains subject to comment in accordance with the Agency’s good guidance practices.

DATES: The announcement of the guidance is published in the **Federal Register** on June 24, 2021. The guidance document is immediately in effect, but it remains subject to comment in accordance with the Agency’s good guidance practices.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a

third party may not wish to be posted, such as medical information, your or anyone else’s Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see “Written/Paper Submissions” and “Instructions”).

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in “Instructions.”

Instructions: All submissions received must include the Docket No. FDA-2021-D-0409 for “COVID-19: Master Protocols Evaluating Drugs and Biological Products for Treatment or Prevention.” Received comments will be placed in the docket and, except for those submitted as “Confidential Submissions,” publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240-402-7500.

- **Confidential Submissions—**To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states “THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.” The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this

information on the cover sheet and not in the body of your comments and you must identify this information as “confidential.” Any information marked as “confidential” will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA’s posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the “Search” box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240-402-7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993-0002; or to Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993-0002; or the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993-0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: Ei Thu Lwin, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 6236, Silver Spring, MD 20993-0002, 301-796-0728; or Stephen Ripley, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993-0002, 240-402-7911.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a final guidance for industry entitled

“COVID–19: Master Protocols Evaluating Drugs and Biological Products for Treatment or Prevention.” This guidance describes FDA’s current recommendations regarding master protocols for trials evaluating drugs and biological products for the treatment or prevention of COVID–19. Well-designed and -conducted master protocols can accelerate drug development by maximizing the amount of information obtained from the research effort. These efficiencies are of particular importance in the setting of a public health emergency such as the current COVID–19 pandemic, where the burden of disease is high and there is a critical need for the development of therapies. This guidance focuses on the trial design and conduct as well as statistical considerations for master protocols intended to generate substantial evidence of effectiveness and adequate characterization of safety for COVID–19. Additionally, this guidance provides administrative and procedural recommendations to sponsors of master protocols for COVID–19.

In light of the public health emergency related to COVID–19 declared by the Secretary of the Department of Health and Human Services (HHS), FDA has determined that prior public participation for this guidance is not feasible or appropriate and is issuing this guidance without prior public comment (see section 701(h)(1)(C)(i) of the FD&C Act (21 U.S.C. 371(h)(1)(C)(i)) and 21 CFR 10.115(g)(2)). This guidance document is being implemented immediately, but it remains subject to comment in accordance with the Agency’s good guidance practice statute and regulation.

This guidance is intended to remain in effect for the duration of the public health emergency related to COVID–19 declared by HHS, including any renewals made by the Secretary in accordance with section 319(a)(2) of the Public Health Service Act (42 U.S.C. 247d(a)(2)). However, the recommendations and processes described in the guidance are expected to assist the Agency more broadly in its continued efforts to assist sponsors in the clinical development of drugs for the treatment or prevention of COVID–19 beyond the termination of the COVID–19 public health emergency and reflect the Agency’s current thinking on this issue. Therefore, within 60 days following the termination of the public health emergency, FDA intends to revise and replace this guidance with any appropriate changes based on comments received on this guidance and the Agency’s experience with implementation.

This guidance is being issued consistent with FDA’s good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on “COVID–19: Master Protocols Evaluating Drugs and Biological Products for Treatment or Prevention.” It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

While this guidance contains no collection of information, it does refer to previously approved FDA collections of information. Therefore, clearance by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3521) is not required for this guidance. The previously approved collections of information are subject to review by OMB under the PRA. The collections of information in 21 CFR part 312, Investigational New Drug Application, have been approved under OMB control number 0910–0014 and the collections of information required for institutional review boards and informed consent are approved under OMB control number 0910–0130.

III. Electronic Access

Persons with access to the internet may obtain the guidance at either <https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs>, <https://www.fda.gov/vaccines-blood-biologics/guidance-compliance-regulatory-information/biologics>, <https://www.fda.gov/regulatory-information/search-fda-guidance-documents>, <https://www.fda.gov/emergency-preparedness-and-response/coronavirus-disease-2019-covid-19/covid-19-related-guidance-documents-industry-fda-staff-and-other-stakeholders>, or <https://www.regulations.gov>.

Dated: June 16, 2021.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2021–13394 Filed 6–23–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–1995–D–0288 (Formerly Docket No. 95D–0052)]

Chemistry, Manufacturing, and Controls Changes to an Approved Application: Certain Biological Products; Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a final guidance document entitled “Chemistry, Manufacturing, and Controls Changes to an Approved Application: Certain Biological Products.” The guidance is intended to assist applicants and manufacturers of certain licensed biological products in determining which reporting category is appropriate for a change in chemistry, manufacturing, and controls (CMC) information to an approved biologics license application (BLA). The guidance describes general and administrative information on evaluating and reporting changes and recommendations for reporting categories based on a tiered-reporting system for specific changes. The guidance announced in this notice finalizes the draft guidance, “Chemistry, Manufacturing, and Controls Changes to an Approved Application: Certain Biological Products,” dated December 2017 and supersedes the document entitled “Guidance for Industry: Changes to an Approved Application: Biological Products,” dated July 1997 (July 1997 guidance).

DATES: The announcement of the guidance is published in the **Federal Register** on June 24, 2021.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a

third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in "Instructions."

Instructions: All submissions received must include the Docket No. FDA-1995-D-0288 (Formerly Docket No. 95D-0052) for "Chemistry, Manufacturing, and Controls Changes to an Approved Application: Certain Biological Products." Received comments will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240-402-7500.

- *Confidential Submissions*—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states "THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION." The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly

available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as "confidential." Any information marked as "confidential" will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240-402-7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the guidance to the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993-0002; or the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993-0002. Send one self-addressed adhesive label to assist the office in processing your requests. The guidance may also be obtained by mail by calling CBER at 1-800-835-4709 or 240-402-8010. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: Victoria Wagman, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993-0002, 240-402-7911.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a final guidance document entitled "Chemistry, Manufacturing, and Controls Changes to an Approved Application: Certain Biological Products." The guidance document is intended to assist applicants and manufacturers of licensed biological products in determining which

reporting category is appropriate for a change in CMC to an approved BLA as specified in § 601.12 (21 CFR 601.12). The guidance document provides applicants and manufacturers general and administrative information on evaluating and reporting changes and recommendations for reporting categories based on a tiered-reporting system for specific changes under § 601.12.

FDA issued the July 1997 guidance (62 FR 39904; July 24, 1997) to assist applicants in determining which reporting mechanism is appropriate for reporting a change to an approved application to reduce the burden on manufacturers when reporting changes and to facilitate the approval process of the change being made. FDA is updating the July 1997 guidance to accommodate advances in manufacturing and testing technology and to clarify FDA's current thinking on assessing reportable changes. The updated guidance applies to certain biological products licensed under section 351(a) of the Public Health Service Act (PHS Act) (42 U.S.C. 262(a)). The guidance applies to all manufacturing locations, including contract locations. The following biological products are not within the scope of this guidance: (1) Whole blood, blood components (including source plasma), and source leukocytes; (2) specified biotechnology products described in § 601.2(a); and (3) biosimilar and interchangeable products subject to licensure under section 351(k) of the PHS Act. The guidance also does not apply to human cells, tissues, and cellular and tissue-based products regulated solely under section 361 of the PHS Act (42 U.S.C. 264) and the regulations in 21 CFR part 1271.

In the **Federal Register** of December 22, 2017 (82 FR 60750), FDA announced the availability of the draft guidance of the same title dated December 2017. FDA received several comments on the draft guidance and those comments were considered as the guidance was finalized. The guidance was updated to reflect the ICH Harmonised Guideline: Technical and Regulatory Considerations for Pharmaceutical Product Lifecycle Management: Q12, which was issued after publication of the draft guidance on November 11, 2019. In addition, editorial changes were made to improve clarity. The guidance announced in this notice finalizes the draft guidance dated December 2017. The guidance also supersedes the July 1997 guidance.

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the current

thinking of FDA on “Chemistry, Manufacturing, and Controls Changes to an Approved Application: Certain Biological Products.” It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

While this guidance contains no collection of information, it does refer to previously approved FDA collections of information. Therefore, clearance by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3521) is not required for this guidance. The previously approved collections of information are subject to review by OMB under the PRA. The collections of information in 21 CFR part 210 and 21 CFR part 211 have been approved under OMB control number 0910–0139; the collections of information in 21 CFR 601.12 have been approved under OMB control numbers 0910–0338, and the collections of information in 21 CFR part 820 have been approved under OMB control number 0910–0073.

III. Electronic Access

Persons with access to the internet may obtain the guidance at either <https://www.fda.gov/vaccines-blood-biologics/guidance-compliance-regulatory-information-biologics/biologics-guidances>, <https://www.fda.gov/regulatory-information/search-fda-guidance-documents>, or <https://www.regulations.gov>.

Dated: June 15, 2021.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2021–13392 Filed 6–23–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2021–N–0512]

Considerations for Progressive Multifocal Leukoencephalopathy Clinical Trial Designs; Public Workshop; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public workshop; request for comments.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the following public

workshop entitled “Considerations for Progressive Multifocal Leukoencephalopathy Clinical Trial Designs.” The purpose of the public workshop is to discuss the challenges and clinical trial design considerations for developing therapeutic products for the treatment of progressive multifocal leukoencephalopathy (PML).

DATES: The public workshop will be held virtually on September 21, 2021, from 10 a.m. to 4:15 p.m., Eastern Time. Submit either electronic or written comments on this public workshop by November 1, 2021. See the **SUPPLEMENTARY INFORMATION** section for registration date and information.

ADDRESSES: The public workshop will be held in virtual format only.

You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before November 1, 2021. The <https://www.regulations.gov> electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of November 1, 2021. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else’s Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see “Written/Paper Submissions” and “Instructions”).

Written/Paper Submissions

Submit written/paper submissions as follows:

- **Mail/Hand delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in “Instructions.”

Instructions: All submissions received must include the Docket No. FDA–2021–N–0512 for “Considerations for Progressive Multifocal Leukoencephalopathy Clinical Trial Designs.” Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as “Confidential Submissions,” publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- **Confidential Submissions—**To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states “THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.” The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as “confidential.” Any information marked as “confidential” will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA’s posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket to read background documents or the electronic and written/paper comments

received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240-402-7500.

FOR FURTHER INFORMATION CONTACT: Lori Benner and/or Antoinette Ziolkowski, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 6221, Silver Spring, MD 20993-0002, 301-796-1300.

SUPPLEMENTARY INFORMATION:

I. Background

Progressive Multifocal Leukoencephalopathy (PML) is a rare, often fatal viral disease of the central nervous system that affects patients with immunosuppressive conditions and those treated with immunomodulatory agents. No products are approved for the treatment of PML and no therapeutic development pathway is established for PML. FDA seeks to discuss scientific and regulatory challenges associated with designing clinical trials evaluating PML treatments, and to develop PML clinical trial designs that are feasible, adequate to establish substantial evidence of effectiveness, adequate to characterize the safety profile of investigational treatments, and acceptable to PML patients, clinicians, regulators, and industry.

The Agency encourages healthcare providers, employees of other U.S. Government agencies, academic experts, industry experts, patients and patient advocates, and other stakeholders to attend this public workshop.

II. Topics for Discussion at the Public Workshop

Discussions are planned around the following topics areas:

- Unmet need for PML therapeutics.
- Key trial design considerations, including feasibility, trial populations, selection of control groups, endpoints, adaptive designs, and master protocols.

III. Participating in the Public Workshop

Registration: Persons interested in attending this public workshop must register online by September 20, 2021, midnight Eastern Time using the weblink for this workshop noted in the *Transcripts* section below. Please provide complete contact information for each attendee, including name, title, affiliation, address, email, and telephone.

Requests for Oral Presentations: During online registration, you may indicate if you wish to present during the virtual public comment session and which topic(s) you wish to address. We will do our best to accommodate requests to make public comments. Individuals and organizations with common interests are urged to consolidate or coordinate their presentations, and request time for a joint presentation, or submit requests for designated representatives to participate in the focused sessions. We will determine the amount of time allotted to each presenter and the approximate time each oral presentation is to begin, and will select and notify participants by September 10, 2021. All requests to make oral presentations must be received by September 3, 2021. If selected for presentation, any presentation materials must be emailed to the ONDPublicMTGSupport@fda.hhs.gov no later than September 16, 2021. No commercial or promotional material will be permitted to be presented or distributed at the public workshop.

Streaming webcast of the public workshop: This public workshop will be webcast at the following site: <https://collaboration.fda.gov/fdaworkshop092121>.

If you have never attended a Connect Pro event before, test your connection at https://collaboration.fda.gov/common/help/en/support/meeting_test.htm. To get a quick overview of the Connect Pro program, visit https://www.adobe.com/go/connectpro_overview. FDA has verified the website addresses in this document, as of the date this document publishes in the **Federal Register**, but websites are subject to change over time.

Transcripts: Please be advised that as soon as a transcript of the public workshop is available, it will be accessible at <https://www.regulations.gov>. It may be viewed at the Dockets Management Staff (see **ADDRESSES**). A link to the transcript will also be available on the internet at <https://www.fda.gov/drugs/news-events-human-drugs/considerations-progressive-multifocal-leukoencephalopathy-clinical-trial-designs-09212021-09212021>.

Dated: June 15, 2021.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2021-13371 Filed 6-23-21; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2020-D-1553]

Premenopausal Women With Breast Cancer: Developing Drugs for Treatment; Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a final guidance for industry entitled "Premenopausal Women with Breast Cancer: Developing Drugs for Treatment." This guidance provides recommendations regarding the inclusion of premenopausal women in breast cancer clinical trials. The guidance is intended to assist stakeholders, including sponsors and institutional review boards, responsible for the development and oversight of clinical trials for breast cancer drugs. This guidance finalizes the draft guidance of the same title issued on October 8, 2020.

DATES: The announcement of the guidance is published in the **Federal Register** on June 24, 2021.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a

written/paper submission and in the manner detailed (see “Written/Paper Submissions” and “Instructions”).

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in “Instructions.”

Instructions: All submissions received must include the Docket No. FDA-2020-D-1553 for “Premenopausal Women with Breast Cancer: Developing Drugs for Treatment.” Received comments will be placed in the docket and, except for those submitted as “Confidential Submissions,” publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240-402-7500.

- **Confidential Submissions—**To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states “THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.” The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as “confidential.” Any information marked as “confidential” will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA’s posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket to read background documents or the

electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the “Search” box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240-402-7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of this guidance to the Division of Drug Information, Center for Drug Evaluation and Research (CDER), Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993-0002 or Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993-0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT:

Jennifer Gao, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 2135, Silver Spring, MD 20993, 240-402-4683; or Julia Beaver, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 2100, Silver Spring, MD 20993, 240-402-0489; or Stephen Ripley, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993, 240-402-7911.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for industry entitled “Premenopausal Women with Breast Cancer: Developing Drugs for Treatment.” This guidance provides recommendations regarding the inclusion of premenopausal women, as defined by serum hormonal levels (including but not limited to follicle-stimulating hormone and estradiol), in breast cancer clinical trials. The issues of fertility and fertility preservation when treating premenopausal women with breast cancer are outside the scope of this guidance.

Historically, premenopausal women have been excluded from some trials that have investigated the efficacy of certain drugs that rely upon

manipulation of the hormonal axis for the treatment of hormone receptor (HR) positive breast cancer. In some cases, separate studies have been conducted to confirm the benefit in this patient population. Certain groups of drugs, such as chemotherapy, immunotherapy, and targeted therapy (which act independent of the hormonal axis), have similar efficacy in pre- and postmenopausal women with breast cancer. Based on a review of the literature, FDA believes hormonal drugs administered to premenopausal women with HR-positive breast cancer, with adequate estrogen suppression, are likely to have the same efficacy and safety profile as in postmenopausal women.

The guidance encourages sponsors to discuss their breast cancer drug development plan with CDER and CBER, as applicable, early in development. The guidance recommends that menopausal status should not be the basis for exclusion from breast cancer clinical trials. The guidance includes recommendations regarding eligibility criteria and study planning and design intended to facilitate the inclusion of premenopausal women in breast cancer clinical trials.

This guidance finalizes the draft guidance entitled “Premenopausal Women with Breast Cancer: Developing Drugs for Treatment” issued on October 8, 2020 (85 FR 63559). FDA considered comments received on the draft guidance as the guidance was finalized. Changes from the draft to the final guidance include additional recommendations on the importance of clinical studies reflecting racial and ethnic diversity and to collect patient experience data throughout the development program. Other changes include updated recommendations on collection of clinical effects as part of the clinical development program or as part of a postmarketing requirement or commitment as applicable.

This guidance is being issued consistent with FDA’s good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on “Premenopausal Women with Breast Cancer: Developing Drugs for Treatment.” It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

While this guidance contains no collection of information, it does refer to previously approved FDA collections of

information. Therefore, clearance by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3521) is not required for this guidance. The previously approved collections of information are subject to review by OMB under the PRA. The collections of information in 21 CFR part 312 have been approved under OMB control number 0910–0014; the collections of information in 21 CFR part 314 have been approved under OMB control number 0910–0001; and the collections of information in 21 CFR part 601 have been approved under 0910–0338.

III. Electronic Access

Persons with access to the internet may obtain the guidance at either <https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs>, <https://www.fda.gov/vaccines-blood-biologics/guidance-compliance-regulatory-information-biologics/biologics-guidances>, <https://www.fda.gov/regulatory-information/search-fda-guidance-documents>, or <https://www.regulations.gov>.

Dated: June 15, 2021.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2021–13388 Filed 6–23–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

National Vaccine Injury Compensation Program; List of Petitions Received

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: HRSA is publishing this notice of petitions received under the National Vaccine Injury Compensation Program (the Program), as required by the Public Health Service (PHS) Act, as amended. While the Secretary of HHS is named as the respondent in all proceedings brought by the filing of petitions for compensation under the Program, the United States Court of Federal Claims is charged by statute with responsibility for considering and acting upon the petitions.

FOR FURTHER INFORMATION CONTACT: For information about requirements for filing petitions, and the Program in general, contact Lisa L. Reyes, Clerk of Court, United States Court of Federal

Claims, 717 Madison Place NW, Washington, DC 20005, (202) 357–6400. For information on HRSA’s role in the Program, contact the Director, National Vaccine Injury Compensation Program, 5600 Fishers Lane, Room 08N146B, Rockville, Maryland 20857; (301) 443–6593, or visit our website at: <http://www.hrsa.gov/vaccinecompensation/index.html>.

SUPPLEMENTARY INFORMATION: The Program provides a system of no-fault compensation for certain individuals who have been injured by specified childhood vaccines. Subtitle 2 of Title XXI of the PHS Act, 42 U.S.C. 300aa–10 *et seq.*, provides that those seeking compensation are to file a petition with the United States Court of Federal Claims and to serve a copy of the petition to the Secretary of HHS, who is named as the respondent in each proceeding. The Secretary has delegated this responsibility under the Program to HRSA. The Court is directed by statute to appoint special masters who take evidence, conduct hearings as appropriate, and make initial decisions as to eligibility for, and amount of, compensation.

A petition may be filed with respect to injuries, disabilities, illnesses, conditions, and deaths resulting from vaccines described in the Vaccine Injury Table (the Table) set forth at 42 CFR 100.3. This Table lists for each covered childhood vaccine the conditions that may lead to compensation and, for each condition, the time period for occurrence of the first symptom or manifestation of onset or of significant aggravation after vaccine administration. Compensation may also be awarded for conditions not listed in the Table and for conditions that are manifested outside the time periods specified in the Table, but only if the petitioner shows that the condition was caused by one of the listed vaccines.

Section 2112(b)(2) of the PHS Act, 42 U.S.C. 300aa–12(b)(2), requires that “[w]ithin 30 days after the Secretary receives service of any petition filed under section 2111 the Secretary shall publish notice of such petition in the **Federal Register**.” Set forth below is a list of petitions received by HRSA on May 1, 2021, through May 31, 2021. This list provides the name of petitioner, city and state of vaccination (if unknown then city and state of person or attorney filing claim), and case number. In cases where the Court has redacted the name of a petitioner and/or the case number, the list reflects such redaction.

Section 2112(b)(2) also provides that the special master “shall afford all

interested persons an opportunity to submit relevant, written information” relating to the following:

1. The existence of evidence “that there is not a preponderance of the evidence that the illness, disability, injury, condition, or death described in the petition is due to factors unrelated to the administration of the vaccine described in the petition,” and

2. Any allegation in a petition that the petitioner either:

a. “[S]ustained, or had significantly aggravated, any illness, disability, injury, or condition not set forth in the Vaccine Injury Table but which was caused by” one of the vaccines referred to in the Table, or

b. “[S]ustained, or had significantly aggravated, any illness, disability, injury, or condition set forth in the Vaccine Injury Table the first symptom or manifestation of the onset or significant aggravation of which did not occur within the time period set forth in the Table but which was caused by a vaccine” referred to in the Table.

In accordance with Section 2112(b)(2), all interested persons may submit written information relevant to the issues described above in the case of the petitions listed below. Any person choosing to do so should file an original and three (3) copies of the information with the Clerk of the United States Court of Federal Claims at the address listed above (under the heading “For Further Information Contact”), with a copy to HRSA addressed to Director, Division of Injury Compensation Programs, Healthcare Systems Bureau, 5600 Fishers Lane, 08N146B, Rockville, Maryland 20857. The Court’s caption (Petitioner’s Name v. Secretary of HHS) and the docket number assigned to the petition should be used as the caption for the written submission. Chapter 35 of title 44, United States Code, related to paperwork reduction, does not apply to information required for purposes of carrying out the Program.

Diana Espinosa,

Acting Administrator.

List of Petitions Filed

1. Kelly Hannon, Washington, District of Columbia, Court of Federal Claims No: 21–1304V
2. Margaret Hoyt, Washington, District of Columbia, Court of Federal Claims No: 21–1305V
3. Sarah Lopez, Washington, District of Columbia, Court of Federal Claims No: 21–1306V
4. Lydia M. Goode, Greensboro, North Carolina, Court of Federal Claims No: 21–1307V
5. Jonathan Jarog, Chicago, Illinois, Court of Federal Claims No: 21–1308V

6. Chad Adaway, Birmingham, Alabama, Court of Federal Claims No: 21-1311V
7. John Buen, Boston, Massachusetts, Court of Federal Claims No: 21-1314V
8. Robert Ben, Colorado Springs, Colorado, Court of Federal Claims No: 21-1315V
9. David Plaut, Fort Collins, Colorado, Court of Federal Claims No: 21-1316V
10. Ciara Johnson, Durango, Colorado, Court of Federal Claims No: 21-1317V
11. Lindsay Walker on behalf of R.W., Aurora, Colorado, Court of Federal Claims No: 21-1318V
12. Dana Hilden, Phoenix, Arizona, Court of Federal Claims No: 21-1321V
13. Debbie L. Tice, Jackson, Mississippi, Court of Federal Claims No: 21-1322V
14. Rhonda Boyd, Huntsville, Alabama, Court of Federal Claims No: 21-1323V
15. Janice Walker, Ventura, California, Court of Federal Claims No: 21-1325V
16. Mary Patricia Turner, Washington, District of Columbia, Court of Federal Claims No: 21-1327V
17. Kara Mahuron, Washington, District of Columbia, Court of Federal Claims No: 21-1328V
18. Estate of James Leroy Doebler, Deceased, Pascagoula, Mississippi, Court of Federal Claims No: 21-1331V
19. Marlena Lloyd and Jeffrey Lloyd on behalf of C.L., Boston, Massachusetts, Court of Federal Claims No: 21-1332V
20. Keith Montague, Boston, Massachusetts, Court of Federal Claims No: 21-1333V
21. Daniel Murphy, Philadelphia, Pennsylvania, Court of Federal Claims No: 21-1334V
22. Jennifer Huch and Lucas Huch on behalf of L.L.L.H., Bedford, Texas, Court of Federal Claims No: 21-1335V
23. Michelle Gill on behalf of A.G., Phoenix, Arizona, Court of Federal Claims No: 21-1336V
24. Thomas Burbank, Plainville, Connecticut, Court of Federal Claims No: 21-1337V
25. Clifton Foley and Kelli Foley on behalf of N.F., Deceased, Burlington, North Carolina, Court of Federal Claims No: 21-1338V
26. Juanita Artman, Washington, District of Columbia, Court of Federal Claims No: 21-1340V
27. Ramon K. Jusino and Ann M. Jusino on behalf of W.J. Staten Island, New York, Court of Federal Claims No: 21-1342V
28. Nardia Thompson Harris, Nanuet, New York, Court of Federal Claims No: 21-1345V
29. Michael Williamson, Murfreesboro, Tennessee, Court of Federal Claims No: 21-1346V
30. John Allain, Sulphur, Louisiana, Court of Federal Claims No: 21-1349V
31. Jennifer Clark, Chattanooga, Tennessee, Court of Federal Claims No: 21-1350V
32. Robert Silver, Shelby, North Carolina, Court of Federal Claims No: 21-1351V
33. Kelsey Hamonds, Edgewood, Kentucky, Court of Federal Claims No: 21-1352V
34. Mindy Schuehrer, Marie, Michigan, Court of Federal Claims No: 21-1353V
35. Hortencia Torres, Annandale, Virginia, Court of Federal Claims No: 21-1356V
36. Laurel Bennett, Washington, District of Columbia, Court of Federal Claims No: 21-1357V
37. Marie Tully, Washington, District of Columbia, Court of Federal Claims No: 21-1358V
38. Donna Fulbright, Washington, District of Columbia, Court of Federal Claims No: 21-1359V
39. Jovonna Beyer, New York, New York, Court of Federal Claims No: 21-1362V
40. Richard Munoz, Plant City, Florida, Court of Federal Claims No: 21-1369V
41. Josephine Feitel, Georgetown, Texas, Court of Federal Claims No: 21-1370V
42. Austin Reid, Louisville, Kentucky, Court of Federal Claims No: 21-1374V
43. Elizabeth Fellows, Kansas City, Missouri, Court of Federal Claims No: 21-1378V
44. Stephen R. Hunt, Athens, Ohio, Court of Federal Claims No: 21-1379V
45. Raymond Milligan, Jr., Sulphur Springs, Texas, Court of Federal Claims No: 21-1382V
46. Tina Paxson, Bloomington, Indiana, Court of Federal Claims No: 21-1383V
47. Rashawnda L. Benton, Greensboro, North Carolina, Court of Federal Claims No: 21-1384V
48. Jerome Dacurawat, Alexandria, Virginia, Court of Federal Claims No: 21-1389V
49. Krystal Kilgore, Morristown, Tennessee, Court of Federal Claims No: 21-1390V
50. Jeffrey A. Ridenour, Lima, Ohio, Court of Federal Claims No: 21-1392V
51. Lori Kathleen Ogden Erickson, Milton, Washington, Court of Federal Claims No: 21-1395V
52. Angela Saporito, Nutley, New Jersey, Court of Federal Claims No: 21-1398V
53. Shawn Wilson-Blount, White Plains, New York, Court of Federal Claims No: 21-1400V
54. Geeta Karra, Philadelphia, Pennsylvania, Court of Federal Claims No: 21-1402V
55. Jonathan Charter, Manchester, Connecticut, Court of Federal Claims No: 21-1404V
56. Tammy Walden on behalf of J.F., Phoenix, Arizona, Court of Federal Claims No: 21-1406V
57. Bruce A. Ades, Denver, Colorado, Court of Federal Claims No: 21-1407V
58. Wendy O'Neil, Englewood, New Jersey, Court of Federal Claims No: 21-1410V

[FR Doc. 2021-13312 Filed 6-23-21; 8:45 am]

BILLING CODE 4165-15-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the Secretary's Advisory Committee on Human Research Protections

AGENCY: Department of Health and Human Services, Office of the Secretary, Office of the Assistant Secretary for Health.

ACTION: Notice.

SUMMARY: Pursuant to Section 10(a) of the Federal Advisory Committee Act, U.S.C. Appendix 2, notice is hereby given that the Secretary's Advisory Committee on Human Research

Protections (SACHRP) will hold a meeting that will be open to the public. Information about SACHRP, the full meeting agenda, and instructions for linking to public access will be posted on the SACHRP website at <https://www.hhs.gov/ohrp/sachrp-committee/meetings/index.html>.

DATES: The meeting will be held on Wednesday, July 21, from 11:00 a.m. until 4:30 p.m., and Thursday, July 22, 2021, from 11:00 a.m. until 4:30 p.m. (times are tentative and subject to change). The confirmed times and agenda will be posted on the SACHRP website when this information becomes available.

ADDRESSES: This meeting will be held via webcast. Members of the public may also attend the meeting via webcast. Instructions for attending via webcast will be posted one week prior to the meeting at <https://www.hhs.gov/ohrp/sachrp-committee/meetings/index.html>.

FOR FURTHER INFORMATION CONTACT: Julia Gorey, J.D., Executive Director, SACHRP; U.S. Department of Health and Human Services, 1101 Wootton Parkway, Suite 200, Rockville, Maryland 20852; telephone: 240-453-8141; fax: 240-453-6909; email address: SACHRP@hhs.gov.

SUPPLEMENTARY INFORMATION: Under the authority of 42 U.S.C. 217a, Section 222 of the Public Health Service Act, as amended, SACHRP was established to provide expert advice and recommendations to the Secretary of Health and Human Services, through the Assistant Secretary for Health, on issues and topics pertaining to or associated with the protection of human research subjects.

The Subpart A Subcommittee (SAS) was established by SACHRP in October 2006 and is charged with developing recommendations for consideration by SACHRP regarding the application of subpart A of 45 CFR part 46 in the current research environment.

The Subcommittee on Harmonization (SOH) was established by SACHRP at its July 2009 meeting and charged with identifying and prioritizing areas in which regulations and/or guidelines for human subjects research adopted by various agencies or offices within HHS would benefit from harmonization, consistency, clarity, simplification and/or coordination.

The SACHRP meeting will open to the public at 11:00 a.m., on Wednesday, July 21, followed by opening remarks from Dr. Jerry Menikoff, Director of OHRP and Dr. Douglas Diekema, SACHRP Chair. The meeting will begin with presentation of recommendations on justice as an ethical concept in 45

CFR 46, followed by an expert panel discussion on the impact of artificial intelligence algorithms on Institutional Review Board considerations for human subjects protections. The day will conclude with discussion of a new SACHRP charge addressing the current system of engagement and the interpretation of HHS support in 45 CFR 46. The second day, July 22, will include discussion of consideration of risks to third parties in research, and continue discussion of topics from the first day's agenda. Other topics may be added; for the full and updated meeting agenda, see <https://www.dhhs.gov/ohrp/sachrp-committee/meetings/index.html>. The meeting will adjourn by 4:30 p.m. July 22.

The public will have an opportunity to send comment to SACHRP during the meeting's public comment session or to submit written public comment in advance. Persons who wish to provide public comment should review instructions at <https://www.hhs.gov/ohrp/sachrp-committee/meetings/index.html> and respond by midnight July 16th, 2021, ET. Individuals submitting written statements as public comment should submit their comments to SACHRP at SACHRP@hhs.gov. Comments are limited to three minutes each.

Time will be allotted for public comment on both days. Note that public comment must be relevant to topics currently being addressed by SACHRP.

Dated: June 14, 2021.

Julia G. Gorey,

Executive Director, Secretary's Advisory Committee on Human Research Protections, Office for Human Research Protections.

[FR Doc. 2021-13362 Filed 6-23-21; 8:45 am]

BILLING CODE 4150-36-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Appointment of Administrative Dispute Resolution Board Members

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: On December 14, 2020, the Department of Health and Human Services published in the **Federal Register** a final rule ("Rule") establishing the 340B Drug Pricing Program (340B Program) Administrative Dispute Resolution (ADR) Board (hereafter, "the Board"). See 85 FR 80632 (Dec. 14, 2020). According to the Rule, the purpose of the 340B Program's ADR process is to resolve (1) claims by

covered entities that they have been overcharged for covered outpatient drugs by manufacturers and (2) claims by manufacturers, after a manufacturer has conducted an audit as authorized by section 340B(a)(5)(C) of the Public Health Service Act, that a covered entity has violated the prohibitions on diversion or duplicate discounts. The Rule states that Board members from the Centers for Medicare & Medicaid Services (CMS) and the Health Resources and Services Administration (HRSA) must have relevant expertise and experience in drug pricing or drug distribution. The Rule also states that Board members from the Office of the General Counsel (OGC) must have expertise and experience in handling complex litigation. From the 340B ADR Board, the HRSA Administrator will select three voting members, one from each of the three HHS operating/staff divisions involved (*i.e.*, CMS, HRSA, OGC) to form 340B ADR Panels that will review claims and, pursuant to delegated authority from the Secretary, make certain final agency decisions.

All previous appointments to the Board are revoked. Based on recommendations from OGC, CMS, and HRSA, I hereby appoint the following Board members, who shall serve a term of two years, to be extended for additional terms upon agreement by the member and the head of his or her operating/staff division.

Sean R. Keveney, Deputy General Counsel, the Office of the General Counsel, Department of Health and Human Services;

Andy J. Miller, National Complex Litigation and Investigations Division Attorney, the Office of the General Counsel, Department of Health and Human Services;

Glenn Clark, Public Health Advisor, HIV/AIDS Bureau, Health Resources and Services Administration, Department of Health and Human Services;

CAPT Christina Meade, Area Regional Pharmacy Consultant, Office of Regional Operations, Health Resources and Services Administration, Department of Health and Human Services;

CDR Timothy Lape, Division of Medicare Health Plans Operations, Medicare Branch, Centers for Medicare & Medicaid Services, Department of Health and Human Services;

Adele Pietrantonio, Office of Program Operations and Local Engagement, Division of Drug and Health Plan Operations, Centers for Medicare & Medicaid Services, Department of Health and Human Services;

Chantelle Britton, Senior Advisor, Office of Pharmacy Affairs, Health

Resources and Services Administration, Department of Health and Human Services, as *ex-officio*, non-voting member; and

Julie Zadecky, Pharmacist, Office of Pharmacy Affairs, Health Resources and Services Administration, Department of Health and Human Services, as *ex-officio*, non-voting member.

Dated: June 21, 2021.

Xavier Becerra,

Secretary, Department of Health and Human Services.

[FR Doc. 2021-13461 Filed 6-23-21; 8:45 am]

BILLING CODE 4150-26-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS-0955-0003]

Agency Information Collection Request. 30-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

DATES: Comments on the ICR must be received on or before July 26, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

FOR FURTHER INFORMATION CONTACT: Sherrette Funn, Sherrette.Funn@hhs.gov or (202) 795-7714. When submitting comments or requesting information, please include the document identifier 0955-0003-30D and project title for reference.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection

techniques or other forms of information technology to minimize the information collection burden.

Title of the Collection: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

Type of Collection: Father Generic ICR revision.

OMB No. 0955-0003—Office of the National Coordinator for Health Information Technology.

Abstract: The Office of the National Coordinator for Health Information Technology is seeking a three-year revision of OMB control number 0955-0003 to continue collecting routine customer feedback on agency service delivery. The proposed information collection activity provides a means to garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration’s commitment to improving service delivery. Qualitative

feedback means information that provides useful insights on perceptions and opinions, and is not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences, and expectations; provide an early warning of issues with the service; or focus attention on areas where communication, training, or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative, and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

The solicitation of feedback will target areas such as timeliness, appropriateness, accuracy of information, courtesy, efficiency of

service delivery, and resolution of issues with service delivery. Responses will be assessed to plan and inform efforts to improve or maintain the quality of service offered to the public. If this information is not collected, vital feedback from customers and stakeholders on the Agency’s services will be unavailable.

Affected Public: Individuals, households, professionals, and/or the public/private sector.

Average estimates for the next three years:

Estimated Total Number of Respondents: 10,000.

Expected Annual Number of Activities: 6.

Average Number of Respondents per Activity: 1667.

Frequency of Response: Once per activity.

Average Minutes per Response: 7.

Total Burden Hours: 1167.

ESTIMATED ANNUALIZED BURDEN TABLE

Type of respondent	Number of respondents	Number responses per respondent	Average burden per response (in hours)	Total burden hours
Individuals, households, professionals, and/or the public/private sector	10,000	1	7/60	1167
Total	10,000	1	7/60	1167

Sherrette A. Funn,

Paperwork Reduction Act Reports Clearance Officer, Office of the Secretary.

[FR Doc. 2021-13224 Filed 6-23-21; 8:45 am]

BILLING CODE 4150-45-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Committee on Vital and Health Statistics: Notice of Meeting and Request for Public Comment

Pursuant to the Federal Advisory Committee Act, the Department of Health and Human Services (HHS) announces the following advisory committee meeting and request for public comment.

Name: National Committee on Vital and Health Statistics (NCVHS), Listening Session to be held by the Subcommittee on Standards.

Dates and Times: Wednesday, August 25, 2021: 10:00 a.m.–5:30 p.m. EST.

Place: Virtual.

Status: Open.

Purpose: The purpose of this listening session is to obtain input from representatives of standards development organizations, invited industry stakeholders, and

representatives from federal agencies on a variety of topics pertaining to data standards, harmonization of standards and code sets, new Fast Healthcare Interoperability Resources (FHIR) application programming interfaces (APIs) to enhance the exchange of clinical and administrative data, the state of readiness for certain administrative and clinical standards to be considered for adoption or use as standards under the Health Insurance Portability and Accountability Act (HIPAA),¹ for interoperability, and other subjects beyond HIPAA transactions.

This Notice also includes a Request for Public Comment to solicit input from interested individuals and stakeholders who would like to provide input to the Subcommittee in advance of the August 25, 2021, listening session.

The Subcommittee seeks to understand the extent to which current and emerging standards for exchanging electronic health-related data under HIPAA and other applicable federal legislation and regulatory processes are

meeting the business needs of the health care system. Applicable legislation and regulation include, but are not limited to HIPAA, the final Interoperability and Patient Access Rule promulgated by the Centers for Medicare and Medicaid Services (CMS),² the 21st Century Cures Act,³ the Affordable Care Act of 2010,⁴ the Health Information Technology for Economic and Clinical Health Act (HITECH),⁵ and Medicare Access and

² Centers for Medicare and Medicaid Services, Final Rule: Medicare and Medicaid Programs; Patient Protection and Affordable Care Act; Interoperability and Patient Access for Medicare Advantage Organization and Medicaid Managed Care Plans, State Medicaid Agencies, CHIP Agencies and CHIP Managed Care Entities, Issuers of Qualified Health Plans on the Federally-Facilitated Exchanges, and Health Care Providers,” 85 FR 25510, May 1, 2020, available at <https://www.govinfo.gov/content/pkg/FR-2020-05-01/pdf/2020-05050.pdf>.

³ Public Law 114–255, 130 STAT. 1033 (Dec. 13, 2016), available at <https://www.congress.gov/114/plaws/publ255/PLAW-114publ255.pdf>.

⁴ Public Law 111–148, 124 Stat. 119 (Mar 13, 2010), available at <https://www.congress.gov/111/plaws/publ148/PLAW-111publ148.pdf>.

⁵ Public Law 111–5, Title XIII, 123 Stat. 115, 226 (Feb. 17, 2009), available at <https://www.govinfo.gov/content/pkg/PLAW-111publ5/pdf/PLAW-111publ5.pdf>.

¹ Public Law 104–191, 110 Stat. 1936 (Aug 21, 1996), available at <https://www.congress.gov/104/plaws/publ191/PLAW-104publ191.pdf>.

CHIP Reauthorization Act of 2015 (MACRA).⁶

Building on recent work of both NCVHS and the Office of the National Coordinator for Health Information Technology (ONC), the Subcommittee is gathering input to inform phase 1 of its two-year project *Standardization of Information for Burden Reduction and Post-Pandemic America*. This work involves assessing the current landscape of standards development and regulatory adoption processes and identifying opportunities for improving coordination of standards development, adoption, implementation, and conformity across disparate health-related data systems. NCVHS may use the information to inform recommendations to HHS. These recommendations may include an updated framework for standards adoption and implementation that takes into consideration public health, wellness, social services, clinical and claims information and newer technologies that promote interoperability across the health care system.

In conjunction with the August 25th listening session, the Subcommittee is including in this notice a Request for Public Comment to obtain written input from any interested stakeholders including: Trading partners and consumers; payers; providers; patients; standards organizations; advocacy groups; data exchanges; health information technology developers; and other data producers and data consumers including long term and post-acute care providers; public health agencies; population health registries; and operators of public and private sector claims and encounter data reporting systems. The Committee has developed specific questions to ensure comments address key issues under consideration by the Committee. Those questions are outlined here and available at: <https://ncvhs.hhs.gov/Request-for-Public-Comment-Standards-Subcommittee-August-Listening-Session>.

(1) How can data sharing be improved between patients, providers, payers, public health system, and other actors in health care? What are the barriers to these improvements?

(2) Are there any new standards or use cases available or under development that should be considered by NCVHS for recommendation to HHS for adoption to support interoperability, burden reduction and administrative

simplification? Some examples might include new information sharing in health care, such as data or semantics for social determinants of health, public health case reporting, or All Payer Claims Databases. Please do not limit responses to these examples.

(3) How have other industries effectively implemented, tested, and certified standards for data and their exchange that could be considered for health care?

(4) What short term, mid-term and long-term opportunities or solutions do you believe should be priorities for HHS?

Please submit comments to NCVHSmail@cdc.gov by close of business Friday, July 30, 2021.

The Subcommittee will consider information from the invited panelists as well as all timely submitted written comments from the public in its development of a landscape assessment and potential recommendations.

There will be a public comment period. The meeting times and topics are subject to change. Please refer to the NCVHS website posted agenda for any updates.

Contact Person for More Information: Substantive program information may be obtained from Rebecca Hines, MHS, Executive Secretary, NCVHS, National Center for Health Statistics, Centers for Disease Control and Prevention, 3311 Toledo Road, Hyattsville, Maryland 20782, telephone (301) 458-4715, email NCVHSmail@cdc.gov. Summaries of meetings and a roster of Committee members are available on the home page of the NCVHS website <https://ncvhs.hhs.gov/>. Further information, including an agenda and instructions to access the broadcast of the meeting, will be posted as soon as the information is available.

Should you require reasonable accommodation, please contact the CDC Office of Equal Employment Opportunity on (770) 488-3210 as soon as possible.

Sharon Arnold,

Associate Deputy Assistant Secretary for Planning and Evaluation, Science and Data Policy, Office of the Assistant Secretary for Planning and Evaluation.

[FR Doc. 2021-13334 Filed 6-23-21; 8:45 am]

BILLING CODE 4150-05-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS-0990-0260]

Agency Information Collection Request; 30-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

DATES: Comments on the ICR must be received on or before July 26, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT: Sherrette.Funn@hhs.gov or (202) 795-7714. When submitting comments or requesting information, please include the document identifier 0990-0260 and project title for reference.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Title of the Collection: Protection of Human Subjects: Assurance of Compliance with Federal Policy/IRB Review/IRB Recordkeeping/Informed Consent/Consent Documentation.

Type of Collection: Extension with change.

OMB No. 0990-0260 Office of the Assistant Secretary for Health, Office for Human Research Protections.

Abstract: The Office of the Assistant Secretary for Health, Office for Human Research Protections is requesting a three-year extension of the Protection of Human Subjects: Assurance of Compliance with Federal Policy/IRB

⁶Public Law 114-10, 129 Stat. 87 (April 16, 2015), available at <https://www.congress.gov/114/plaws/publ10/PLAW-114publ10.pdf>.

Review/IRB Recordkeeping/Informed Consent/Consent Documentation, OMB No. 0990–0260.

Information reported to the Federal departments and agencies under the Common Rule with respect to a satisfactory assurance is used to ensure that an institution engaged in non-exempt research involving human subjects conducted or supported by a

Common Rule department or agency has (1) established adequate administrative policies and procedures for protecting the rights and welfare of human subjects in research, and (2) accepts that responsibility. Other reporting requirements are used to: Assess whether the institution is following the established procedures; ensure that Federal funds are not expended for

unapproved human subjects research; and, determine if the approved status of an awarded grant, contract, or cooperative agreement should be reviewed, with the ultimate goal of maintaining or increasing human subject protections.

Likely Respondents: Institutions, institutional review boards and investigators.

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN

Common rule provision	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
.103(b)(5), .113 [Pre-2018 Requirements]/.108(a)(4), .113 [2018 Requirements]—Incident Reporting, Suspension or Termination of IRB approval Reporting	5,200	1	5,200	1	5,200
Total			5,200		5,200

TABLE 2—ESTIMATED ANNUAL IRB RECORDKEEPING BURDEN

Common rule provision	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
.115 [Pre-2018 and 2018 Requirement]—Preparation and documentation of IRB activities	6,000	16	96,000	12	1,152,000
Total	6,000		96,000		1,152,000

TABLE 3—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN

Common rule provision	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours
.109(d) [Pre-2018 and 2018 Requirements]—Written notification of IRB approval or disapproval of research	6,000	25	150,000	0.5	75,000
.46.116(a) and (b) (Pre-2018 Requirements)/.46.116 (b), (c) and (d) [2018 Requirements]—Elements of informed consent and broad consent	6,000	25	150,000	0.5	75,000
.46.116(h)—[2018 Requirements]—Posting clinical trial consent form	100	3	300	0.5	150
.117(a) [Pre-2018 and 2018 Requirements]—Documentation of informed consent	6,000	25	150,000	0.5	75,000
.117(c)(2) [Pre-2018 and 2018 Requirements]—Written statement about the research when informed consent documentation is waived	6,000	10	60,000	1	60,000
Total			510,300		285,150

Sherrette A. Funn,

Paperwork Reduction Act Reports Clearance Officer, Office of the Secretary.

[FR Doc. 2021–13211 Filed 6–23–21; 8:45 am]

BILLING CODE 4150–36–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Committee on Vital and Health Statistics: Notice of Meeting and Request for Public Comment

Pursuant to the Federal Advisory Committee Act, the Department of

Health and Human Services (HHS) announces the following advisory committee meeting.

Name: National Committee on Vital and Health Statistics (NCVHS), Hearing of the Subcommittee on Privacy, Confidentiality and Security

DATES: Wednesday July 14, 2021: 9:30 a.m.–5:30 p.m. EST.

ADDRESSES: Virtual open meeting.

FOR FURTHER INFORMATION CONTACT:

Substantive program information may be obtained from Rebecca Hines, MHS, Executive Secretary, NCVHS, National Center for Health Statistics, Centers for

Disease Control and Prevention, 3311 Toledo Road, Hyattsville, Maryland 20782, or via electronic mail to vgh4@cdc.gov; or by telephone (301) 458–4715. Summaries of meetings and a roster of Committee members are available on the home page of the NCVHS website, <https://ncvhs.hhs.gov/>, where further information including an agenda and instructions to access the broadcast of the meeting will also be posted.

Should you require reasonable accommodation, please contact the CDC Office of Equal Employment

Opportunity on (770) 488–3210 as soon as possible.

SUPPLEMENTARY INFORMATION: On July 14, 2021, the National Committee on Vital and Health Statistics (NCVHS), Subcommittee on Privacy, Confidentiality, and Security, will seek input from experts to examine solutions for improving the security posture of the healthcare industry. At the hearing, the Subcommittee will hear from invited experts on the range of security challenges affecting the health care industry and business partners. The Subcommittee will also hear about the range of policy options that may be available to the Department of Health and Human Services (HHS) and data stewards to improve the security posture of those organizations holding individually identifiable information (III), including federal, state, local, and tribal organizations.

The Committee will use this input to identify and describe the changing security landscape and risks to the privacy and security of III held by the health care industry and highlight promising policies, practices, and technologies. The Committee will lay out integrative models for how best to secure individually identifiable information while enabling beneficial uses, services, and technologies. The Committee will formulate recommendations for the Secretary on actions that HHS might take and prepare a report for the Secretary.

The Committee requests comments from the public in advance of the hearing to inform its deliberations and will consider them together with the input of subject matter experts at the hearing. Please submit comments to NCVHSmial@cdc.gov by close of business Tuesday, July 13, 2021. There also will be a public comment period at the meeting. The meeting times and topics are subject to change. Please refer to the NCVHS website for information and agenda updates.

Sharon Arnold,

Associate Deputy Assistant Secretary for Planning and Evaluation, Science and Data Policy, Office of the Assistant Secretary for Planning and Evaluation.

[FR Doc. 2021–13329 Filed 6–23–21; 8:45 am]

BILLING CODE 4150–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of an Exclusive Patent License: Delivery of a Corrective Glucose-6-Phosphatase-Alpha Gene to Treat Glycogen Storage Disease Type 1a (GSD-1a) in Humans

AGENCY: National Institutes of Health, DHHS.

ACTION: Notice.

SUMMARY: The National Institute of Child Health and Human Development, an institute of the National Institutes of Health, Department of Health and Human Services, is contemplating the grant of an Exclusive Patent License to practice the inventions embodied in the U.S. and foreign Patents and Patent Applications listed in the Supplementary Information section of this notice to Panacea Opportunity, Ltd. **DATES:** Only written comments and/or applications for a license which are received by the National Institute of Child Health and Human Development c/o National Cancer Institute's Technology Transfer Center on or before July 9, 2021 will be considered.

ADDRESSES: Requests for copies of the patent application, inquiries, and comments relating to the contemplated Exclusive Patent License should be directed to: Alan Hubbs, Ph.D., Senior Technology Transfer Manager at Telephone: (240)–276–5530 or Email: hubbsa@mail.nih.gov.

SUPPLEMENTARY INFORMATION: The following represents the intellectual property to be licensed under the prospective agreement:

Intellectual Property

1. Priority Application, U.S.P.T.O. No. 62/096,400, filed December 23, 2014 [HHS Reference No. E–039–2015/0–US–01];
2. PCT Patent Application No. PCT/US2015/067338, filed December 22, 2015 [HHS Reference No. E–039–2015–0–PCT–02];
3. Pending Canadian Patent Application No. 2972038, filed on December 22, 2015, [HHS Reference No. E–039–2015–0–CA–03];
4. Issued China Patent No. ZL201580076462.4, filed on December 22, 2015, Issued December 11, 2020 [HHS Reference No. E–039–2015–0–CN–04];
5. Issued European Patent No. 2182936, filed December 22, 2015, Issued July 22, 2020 [HHS Reference No. E–039–2015–0–EP–05];
6. Issued Israeli Patent No. 253103, filed on December 22, 2015, Issued

April 1, 2020 [HHS Reference No. E–039–2015–0–IL–06];

7. Issued Japan Patent No. 6824169, filed June 22, 2017, Issued January 14, 2021 [HHS Reference No. E–039–2015–0–JP–07];

8. Issued United States Patent No. 10,415,044, filed September 17, 2019, Issued September 17, 2019 [HHS Reference No. E–039–2015–0–US–08]

9. Pending United States Patent Application No. 16/526,327, filed July 30, 2019, [HHS Reference No. E–039–2015–0–US–08]

With respect to persons who have an obligation to assign their right, title and interest to the Government of the United States of America, the patent rights in these inventions have been assigned to the Government of the United States of America. The prospective exclusive license territory may be world-wide, and the field of use may be limited to the use of Licensed Patent Rights for the following: “Delivery of a corrective glucose-6-phosphatase-alpha gene to treat glycogen storage disease type 1a (GSD-1a) in humans.”

This technology discloses a gene therapy to treat glycogen storage disease type 1a (GSD-1a) in humans using adeno-associated virus mediated delivery of a corrective glucose-6-phosphatase-alpha (G6Pase- α) gene nucleic acid sequence that codes for a protein having an amino acid sequence that differs from the wildtype human amino acid sequence at amino acid position 293.

This notice is made in accordance with 35 U.S.C. 209 and 37 CFR part 404. The prospective exclusive license will be royalty bearing, and the prospective exclusive license may be granted unless within fifteen (15) days from the date of this published notice, the National Institute of Child Health and Human Development receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR part 404. In response to this Notice, the public may file comments or objections. Comments and objections, other than those in the form of a license application, will not be treated confidentially, and may be made publicly available.

License applications submitted in response to this Notice will be presumed to contain business confidential information and any release of information in these license applications will be made only as required and upon a request under the Freedom of Information Act, 5 U.S.C. 552.

Dated: June 11, 2021.

Richard U. Rodriguez,

Associate Director, Technology Transfer Center, National Cancer Institute.

[FR Doc. 2021-13261 Filed 6-23-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Advisory General Medical Sciences Council, September 01, 2021, 09:30 a.m. to September 02, 2021, 05:00 p.m., National Institutes of Health, Natcher Building, 6707 Democracy Boulevard, Bethesda, MD 20892 which was published in the **Federal Register** on December 31, 2020, FR Doc 2020-28902, 85 FR 86940.

The meeting notice is amended to change the meeting date and time from September 1-2, 2021, 9:30 a.m. to 5:00 p.m. to September 9, 2021, 9:00 a.m. to 4:30 p.m. The meeting is partially closed to the public.

Dated: June 14, 2021.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-13377 Filed 6-23-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health & Human Development; 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 contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development

Special Emphasis Panel; Newborn Screening Pilot Studies.

Date: August 6, 2021.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, 6710 B Rockledge Drive, Rm. 2131D, Bethesda, MD 20817 (Telephone Conference Call).

Contact Person: Sathasiva B. Kandasamy, Ph.D., Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, 6710B Rockledge Drive, Rm. 2131D, Bethesda, MD 20817, (301) 435-6680, skandasa@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.865, Research for Mothers and Children, National Institutes of Health, HHS)

Dated: June 14, 2021.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-13348 Filed 6-23-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health & Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel; Program Project Grants for HIV Research in Perinatal HIV, Birth Outcomes and Neurodevelopment.

Date: July 22-23, 2021.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, 6710B Rockledge Drive, Room 2131B, Bethesda, MD 20897 (Video Assisted Meeting).

Contact Person: Luis E. Dettin, Ph.D., M.S., M.A., Scientific Review Officer, Scientific

Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, 6710B Rockledge Drive, Rm. 2131B, Bethesda, MD 20892, (301) 827-8231, luis_dettin@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.865, Research for Mothers and Children, National Institutes of Health, HHS)

Dated: June 14, 2021.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-13353 Filed 6-23-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Minority Health and Health Disparities; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Minority Health and Health Disparities Special Emphasis Panel; Coordinating Center for Multiple Chronic Disease Disparities Research Centers (U24).

Date: July 15, 2021.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Gateway Plaza, 7201 Wisconsin Ave., Bethesda, MD 20817 (Virtual Meeting).

Contact Person: Ivan K. Navarro, Ph.D., Scientific Review Officer, Office of Extramural Research Administration, National Institute on Minority Health and Health Disparities, National Institutes of Health, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892, 301-827-2061, ivan.navarro@nih.gov.

Dated: June 15, 2021.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-13339 Filed 6-23-21; 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 Heart, Lung, and Blood Institute Special Emphasis Panel, July 15, 2021, 11:00 a.m. to July 15, 2021, 05:00 p.m., National Institutes of Health, 6705 Rockledge Drive, Bethesda, MD, 20817 which was published in the **Federal Register** on June 10, 2021, FR DOC 2021–12142, 86 FR 30963.

The National Heart, Lung, and Blood Institute Special Emphasis Panel meeting is being amended to the change the meeting format from virtual to video assisted. The meeting is closed to the public.

Dated: June 17, 2021.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–13275 Filed 6–23–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****Center for Scientific Review; Notice of Closed Meetings**

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Pain, Chemosensation and Sensory Motor Neurobiology.

Date: July 14, 2021.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Janita N Turchi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of

Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 402–4005, turchij@mail.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Exploration of Antimicrobial Therapeutics and Resistance.

Date: July 15–16, 2021.

Time: 9:00 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: Shinako Takada, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–402–9448, shinako.takada@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Neuroscience AREA Grant Applications.

Date: July 15–16, 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: Mary Custer, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4148, MSC 7850, Bethesda, MD 20892, (301) 435–1164, custerm@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Research Enhancement Awards: Genes, Genomes and Genetics.

Date: July 15, 2021.

Time: 10:00 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: Rebecca Catherine Burgess, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 480–8034, rebecca.burgess@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Cardiovascular Sciences.

Date: July 15, 2021.

Time: 1:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Richard D Schneiderman, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4138, Bethesda, MD 20817, 301–402–3995, richard.schneiderman@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Research Enhancement Awards: Genes, Genomes and Genetics.

Date: July 15, 2021.

Time: 1:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Christopher Payne, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, christopher.payne@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Synapse formation and function.

Date: July 15, 2021.

Time: 1:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Jacek Topczewski, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1002A1, Bethesda, MD 20892, (301) 594–7574, topczewskij2@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Clinical Data Management and Informatics Research.

Date: July 15, 2021.

Time: 2:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Abu Saleh Mohammad Abdullah, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1003–L, Bethesda, MD 20892, (301) 827–4043, abuabdullah.abdullah@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Immunobiology of Skin and Joint.

Date: July 15, 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: Srikanth Ranganathan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4214, MSC 7802, Bethesda, MD 20892, (301) 435–1787, srikanth.ranganathan@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA–RM–21–019: Faculty Institutional Recruitment for Sustainable Transformation (FIRST) Program: FIRST Coordination and Evaluation Center (FIRST CEC).

Date: July 15, 2021.

Time: 12:30 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: Elia K Ortenberg, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3108, MSC 7816, Bethesda, MD 20892, (301) 827–7189, femiaee@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 17, 2021.

David W Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–13279 Filed 6–23–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; NIDDK U24 SEP.

Date: July 9, 2021.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892.

Contact Person: Xiaodu Guo, M.D., Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7023, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–4719, guox@extra.niddk.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: June 14, 2021.

David W Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–13340 Filed 6–23–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Special Emphasis Panel; Clinical Trials of Pharmacologic or Device-based Interventions for Mental Disorders (R61, R33, U01).

Date: July 14, 2021.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Jasenka Borzan, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institutes of Mental Health, 6001 Executive Blvd., Neuroscience Center, Room 6150, Bethesda, MD 20892, 301–435–1260, jasenka.borzan@nih.gov.

Name of Committee: National Institute of Mental Health Special Emphasis Panel; Social Drivers of Mental Illnesses in Low- & Middle-Income Countries: Mechanisms and Pathways of Interventions for Youth (R01).

Date: July 15, 2021.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Rebecca Steiner Garcia, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6149, MSC 9608, Bethesda, MD 20892–9608, 301–443–4525, steinerr@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program No. 93.242, Mental Health Research Grants, National Institutes of Health, HHS)

Dated: June 16, 2021.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–13338 Filed 6–23–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Notice To Announce Request for Information (RFI) Inviting Input on NIAAA's 2022–2026 Strategic Plan Outline

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The National Institute on Alcohol Abuse and Alcoholism (NIAAA) is currently developing an updated strategic plan to highlight priorities and guide activities for advancing the Institute's mission over the next five years. Through this Request for Information, NIAAA seeks comments on the draft outline for its FY 2022–2026 Strategic Plan from diverse stakeholders, including scientific experts, health care providers, patients and family members, advocacy groups, other federal agencies, and non-governmental scientific, professional, and healthcare organizations.

DATES: Comments must be received by July 30, 2021, to ensure consideration. Responses will be reviewed by NIAAA staff and considered during the development of the 2022–2026 Strategic Plan.

ADDRESSES: To view and comment on the strategic plan outline, please visit our online response form: RFI online response form.

FOR FURTHER INFORMATION CONTACT: Rachel I. Anderson, Strategic Plan Coordinator, Office of Science Policy and Communications, National Institute on Alcohol Abuse and Alcoholism, NIH, 6700B Rockledge Drive, Bethesda, MD 20817. Telephone: 301–827–4681. Email: NIAAASciencePolicyBranch@nih.gov.

SUPPLEMENTARY INFORMATION: In accordance with the 21st Century Cures Act, NIH institutes are required to regularly update their strategic plans. The mission of the National Institute on Alcohol Abuse and Alcoholism (NIAAA) is to generate and disseminate fundamental knowledge about the effects of alcohol on health and well-being, and apply that knowledge to improve diagnosis, prevention, and treatment of alcohol-related problems,

including alcohol use disorder, across the lifespan. NIAAA is the world's largest funder of alcohol research.

Dated: June 16, 2021.

Vicki E. Buckley,

Associate Director of Administration, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health.

[FR Doc. 2021-13239 Filed 6-23-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; New Technologies for the In Vivo Delivery of Gene Therapeutics for an HIV Cure (R01 Clinical Trial Not Allowed).

Date: July 16, 2021.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G22B, Rockville, MD 20892, (Virtual Meeting).

Contact Person: Kristina S. Wickham, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G22B, Rockville, MD 20852, 301-761-5390, kristina.wickham@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: June 17, 2021.

Tyeshia M. Roberson,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-13219 Filed 6-23-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; Clinical Trials in Neurology.

Date: July 12-13, 2021.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Shanta Rajaram, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, NINDS/NIH, NSC, 6001 Executive Blvd., Suite 3208, MSC 9529, Rockville, MD 20852, (301) 435-6033, rajarams@mail.nih.gov.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; P01 Review.

Date: July 19-23, 2021.

Time: 9:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Li Jia, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research, NINDS/NIH, 6001 Executive Boulevard, Room 3208D, Rockville, MD 20852, 301 451-2854, li.jia@nih.gov.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; Initial Translation Efforts for Non-Addictive Analgesic Therapeutics Development.

Date: July 21-22, 2021.

Time: 9:30 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Diana M. Cummings, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute of Neurological Disorders and Stroke, NIH, NSC, 6001 Executive Blvd., Suite 3208, Rockville, MD 20852, cummingsdi@ninds.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: June 15, 2021.

Tyeshia M. Roberson,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-13347 Filed 6-23-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health & Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Initial Review Group Developmental Biology Study Section.

Date: June 25, 2021.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, 6710B Rockledge Drive, 2121D, Bethesda, MD 20817, (Virtual Meeting).

Contact Person: Cathy J. Wedeen, Ph.D., Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, 6710B Rockledge Drive, Room 2121D, Bethesda, MD 20892-7510, (301) 435-6878, cathy.wedeen@nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: June 14, 2021.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-13354 Filed 6-23-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of an Exclusive Patent License: Development and Commercialization of Monospecific CD22 Chimeric Antigen Receptor (CAR) Therapies for the Treatment of B-Cell Malignancies

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The National Cancer Institute, an institute of the National Institutes of Health, Department of Health and Human Services, is contemplating the grant of an Exclusive Patent License to practice the inventions embodied in the Patents and Patent Applications listed in the Supplementary Information section of this Notice to Syncopation Life Sciences Inc., (“Syncopation”), located in Palo Alto, California.

DATES: Only written comments and/or complete applications for a license which are received by the National Cancer Institute’s Technology Transfer Center on or before July 9, 2021 will be considered.

ADDRESSES: Requests for copies of the patent applications, inquiries, and comments relating to the contemplated Exclusive Patent License should be directed to: Jim Knabb, Senior Technology Transfer Manager, at Telephone: (240)-276-7856; or at Email: jim.knabb@nih.gov.

SUPPLEMENTARY INFORMATION:

Intellectual Property

E-080-2012-0: Human Monoclonal Antibodies Specific for CD22

1. U.S. Provisional Patent Application 61/042,329, filed April 4, 2008 (E-080-2008-0-US-01);

2. International Patent Application PCT/US2009/039,080, Filed April 1, 2009 (E-080-2008/0-PCT-02);

3. U.S. Patent Application: 12/934,214, filed September 23, 2010 (E-080-2008-0-US-03);

4. U.S. Patent Application 13/959,061, filed August 5, 2015 (E-080-2008-0-US-04);

5. U.S. Patent Application 15/012,023, filed February 1, 2016 (E-080-2008-0-US-05);

6. U.S. Patent Application 15/424,238, filed February 3, 2017 (E-080-2008-0-US-06).

E-291-2012-0: M971 Chimeric Antigen Receptors

1. U.S. Provisional Patent Application 61/717,960, filed October 24, 2012 (E-291-2012-0-US-01);

2. International Patent Application PCT/US2013/060332, filed September 18, 2013 (E-291-2012-0-PCT-02);

3. Australia Application No: 2019235926, filed September 2, 2020 (E-291-2012-0-AU-03);

4. Brazil Patent Application BR112015009003-6, filed April 22, 2015 (E-291-2012-0-BR-04);

5. Canada Application No: 2889055, filed September 18, 2013 (E-291-2012-0-CA-05);

6. China Application No: 201380061387.5, filed May 25, 2015 (E-291-2012-0-CN-06);

7. European Patent Application No: 13773468.7, filed September 18, 2013 (E-291-2012-0-EP-07);

8. India Patent Application No: 2344/CHENP/2015, filed September 18, 2013 (E-291-2012-0-IN-08);

9. Japan Application No: 539602/2015, filed April 24, 2015 (E-291-2012-0-JP-09);

10. Russia Patent Application: 2015117237, filed May 7, 2015 (E-291-2012-0-RU-10);

11. U.S. Patent Application: 14/437,889, filed April 23, 2015 (E-291-2012-0-US-11);

12. Hong Kong Patent Application: 16101891.0, filed February 19, 2016 (E-291-2012-0-HK-12);

13. Russia Patent Application: 2018116582, filed May 4, 2018 (E-291-2012-0-RU-13);

14. Japan Patent Application: 2018-088908, filed May 2, 2018, (E-291-2012-0-JP-14);

15. Australia Patent Application: 2018204257, filed June 14, 2018 (E-291-2012-0-AU-16);

16. U.S. Patent Application: 16/107,271, filed August 21, 2018 (E-291-2012-0-US-17);

17. Germany Patent Application: 13773468.7, filed April 22, 2015 (E-291-2012-0-DE-18);

18. Spain Patent Application: 13773468.7, filed April 22, 2015 (E-291-2012-0-ES-19);

19. France Patent Application: 13773468.7, filed April 22, 2015 (E-291-2012-0-FR-20);

20. Great Britain Patent Application: 13773468.7, filed April 22, 2015 (E-291-2012-0-GB-21);

21. Italy Patent Application: 13773468.7, filed April 22, 2015 (E-291-2012-0-IT-22);

22. China Patent Application: 201910500128.7, filed June 11, 2019 (E-291-2012-0-CN-23);

23. U.S. Patent Application: 16/869,792, filed May 8, 2020 (E-291-2012-0-US-24).

The patent rights in these inventions have been assigned and/or exclusively licensed to the government of the United States of America.

The prospective exclusive license territory may be worldwide, and the fields of use may be limited to the following:

“Development, manufacture and commercialization of chimeric antigen receptor T cell (CAR-T) immunotherapies (both autologous and allogeneically derived) for the treatment of B cell malignancies that express CD22 wherein:

1. The T cells are engineered to be monospecific for CD22; and

2. The chimeric antigen receptor is specific for CD22 via the m971 scFv”.

This technology discloses CAR therapies that target CD22 by utilizing the anti-CD22 binder known as m971. CD22 is expressed on the surface of B cells in B cell malignancies and CD22-targeting CAR-T has shown early promise in clinical trials for ALL and NHL.

This Notice is made in accordance with 35 U.S.C. 209 and 37 CFR part 404. The prospective exclusive license will be royalty bearing, and the prospective exclusive license may be granted unless within fifteen (15) days from the date of this published Notice, the National Cancer Institute receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR part 404.

In response to this Notice, the public may file comments or objections. Comments and objections, other than those in the form of a license application, will not be treated confidentially, and may be made publicly available.

License applications submitted in response to this Notice will be presumed to contain business confidential information and any release of information from these license applications will be made only as required and upon a request under the

Freedom of Information Act, 5 U.S.C. 552.

Dated: June 9, 2021.

Richard U. Rodriguez,

Associate Director, Technology Transfer Center, National Cancer Institute.

[FR Doc. 2021-13260 Filed 6-23-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: The Role of Social Connectedness and Isolation on Health Outcomes.

Date: July 12, 2021.

Time: 1:00 p.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: Biao Tian, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3089B, MSC 7848, Bethesda, MD 20892, (301) 402-4411, tianbi@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Medical Imaging.

Date: July 13-14, 2021.

Time: 9:00 a.m. to 8:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Krystyna H. Szymczyk, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 480-4198, szymczyk@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Psychopathology, Substance Abuse

and Community-Based Interventions Across the Lifespan.

Date: July 13-14, 2021.

Time: 9:00 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: David Erik Pollio, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1006F, Bethesda, MD 20892, polliode@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Radiation Therapy and Biology SBIR/STTR.

Date: July 13-14, 2021.

Time: 9:00 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: Bo Hong, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6194, MSC 7804, Bethesda, MD 20892, 301-996-6208, hongb@csr.nih.gov.

Name of Committee: Infectious Diseases and Immunology B Integrated Review Group; HIV Comorbidities and Clinical Studies Study Section.

Date: July 13-14, 2021.

Time: 9:00 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: David C. Chang, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 451-0290, changdac@mail.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Antimicrobial Vaccine Development.

Date: July 13-14, 2021.

Time: 9:00 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: Barna Dey, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3184, Bethesda, MD 20892, 301-451-2796, bdey@mail.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Cell Biology, Developmental Biology and Bioengineering.

Date: July 13-14, 2021.

Time: 9:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Alexander Gubin, Ph.D., Scientific Review Officer, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4196, MSC 7812, Bethesda, MD 20892, 301-435-2902, gubina@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Nutrition for Precision Health, powered by the All of Us Research Program; Metabolomics and Clinical Assays Center and Dietary Assessment Center.

Date: July 13, 2021.

Time: 9:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Latha Meenalochana Malaiyandi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 812Q, Bethesda, MD 20892, (301) 435-1999, malaiyandilm@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA Panel: Animal and Biological Resource Centers and Resource-Related Research.

Date: July 13, 2021.

Time: 10:00 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: Guoqin Yu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 435-1276, guoqin.yu@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR18-877: Alzheimer's Disease Clinical Trials.

Date: July 13, 2021.

Time: 10:00 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: Sara Louise Hargrave, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3170, Bethesda, MD 20892, (301) 443-7193, hargravesl@mail.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA-OD-19-022: Secondary Analyses of Existing Datasets of Tobacco Use and Health.

Date: July 13, 2021.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Steven Michael Frenk, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3141, Bethesda, MD 20892, frenksm@mail.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Biology of Vision.

Date: July 13, 2021.

Time: 2:00 p.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Maqsood A. Wani, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2114, MSC 7814, Bethesda, MD 20892, 301-435-2270, wanimaqs@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 14, 2021.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-13342 Filed 6-23-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Hematology and Vascular Biology.

Date: July 14, 2021.

Time: 9:30 a.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Larry Pinkus, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4132, MSC 7802, Bethesda, MD 20892, (301) 435-1214, pinkusl@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowship: Cancer Immunology and Immunotherapy.

Date: July 14-15, 2021.

Time: 9:30 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: Ola Mae Zack Howard, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4192, MSC 7806, Bethesda, MD 20892, 301-451-4467, howardz@mail.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Firearm Injury and Mortality Prevention Research.

Date: July 14, 2021.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Sarah Vidal, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 710Q, Bethesda, MD 20892, (301) 402-6746, sarah.vidal@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Population Sciences and Epidemiology.

Date: July 14-15, 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: Ananya Paria, DHSC, MPH, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1007H, Bethesda, MD 20892, (301) 827-6513, pariaa@mail.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Pain, Chemosensation and Sensory Motor Neurobiology.

Date: July 14, 2021.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Roger Janz, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 402-8515, janrz2@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Cancer Prevention.

Date: July 14, 2021.

Time: 2:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Maria Elena Cardenas-Corona, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD

20817, 301-867-5309, maria.cardenas-corona@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Biomedical Sensing, Measurement and Instrumentation.

Date: July 15-16, 2021.

Time: 9:00 a.m. to 8:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Yordan V. Kostov, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20817, 301-867-5309, kostovyv@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Digestive Sciences Small Business Activities.

Date: July 15-16, 2021.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Santanu Banerjee, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2106, Bethesda, MD 20892, (301) 435-5947, banerjees5@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393-93.396, 93.837-93.844, 93.846-93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: June 15, 2021.

David W Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-13333 Filed 6-23-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the 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 materials, 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: Biomedical Informatics, Library and Data Sciences Review Committee (BLDS).

Date: November 4, 2021.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Contact Person: Zoe E. Huang, MD, Chief Scientific Review Officer, Scientific Review Office, Extramural Programs, National Library of Medicine, National Institutes of Health (NIH), 6705 Rockledge Drive, Suite 500, Bethesda, MD 20892-7968, 301-594-4937, huangz@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program No. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: June 14, 2021.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-13356 Filed 6-23-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Literature Selection Technical Review Committee.

The meeting is devoted to the review and evaluation of journals for potential indexing by the National Library of Medicine and will be closed to the public in accordance with the provisions set forth in section 552b(c)(9)(B), Title 5 U.S.C., as amended. Premature disclosure of the titles of the journals as potential titles to be indexed by the National Library of Medicine, the discussions, and the presence of individuals associated with these publications could significantly frustrate the review and evaluation of individual journals.

Name of Committee: Literature Selection Technical Review Committee.

Date: October 28-29, 2021.

Time: 9:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate journals as potential titles to be indexed by the National Library of Medicine.

Place: Virtual Meeting.

Contact Person: Dianne Babski, Associate Director, Division of Library Operations, National Library of Medicine, 8600 Rockville Pike, Building 38, Room 2W04A, Bethesda, MD 20894, 301-827-4729, babskid@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program No. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: June 14, 2021.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-13368 Filed 6-23-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Minority Health and Health Disparities; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Minority Health and Health Disparities Special Emphasis Panel; Centers for Multiple Chronic Diseases Associated With Health Disparities: Prevention, Treatment, and Management (P50).

Date: July 27-28, 2021.

Time: 10:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Gateway Plaza, 7201 Wisconsin Ave., Bethesda, MD 20817, (Virtual Meeting).

Contact Person: Maryline Laude-Sharp, Ph.D., Scientific Review Officer, Office of Extramural Research Administration, National Institute on Minority Health and Health Disparities, National Institutes of Health, Gateway Building, 7201 Wisconsin Avenue, Ste. 525, MSC. 9206, Bethesda, MD 20892, 301-451-9536, mlaudesharp@mail.nih.gov.

Dated: June 17, 2021.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-13289 Filed 6-23-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Investigator Initiated Program Project Applications (P01).

Date: July 29, 2021.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G41, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Kelly L. Hudspeth, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G41, Rockville, MD 20852, 240-669-5067, kelly.hudspeth@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: June 17, 2021.

Tyeshia M. Roberson,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-13222 Filed 6-23-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; GUDMAP Applications.

Date: July 22, 2021.

Time: 10:00 a.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Ryan G. Morris, Ph.D., Scientific Review Officer, Review Branch, Division of Extramural Activities, NIDDK, National Institutes of Health, Room 7015, 6707 Democracy Boulevard, Bethesda, MD 20892-2542, 301-594-4721, ryan.morris@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: June 15, 2021.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-13330 Filed 6-23-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of The Director, National Institutes of Health; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Advisory Committee to the Director, National Institutes of Health.

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: Advisory Committee to the Director, National Institutes of Health.

Date: July 1, 2021.

Time: 12:00 p.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Building 1, One Center Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Gretchen Wood, Staff Assistant, National Institutes of Health, Office of the Director, One Center Drive, Building 1, Room 126, Bethesda, MD 20892, 301-496-4272, Woodgs@od.nih.gov.

This notice is being published less than 15 days prior to the meeting due to scheduling difficulties.

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, Intramural Research Training Award; 93.22, Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds; 93.232, Loan Repayment Program for Research Generally; 93.39, Academic Research Enhancement Award; 93.936, NIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds, National Institutes of Health, HHS)

Dated: June 16, 2021.

David Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-13335 Filed 6-23-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Understanding Alzheimer's Disease-2.

Date: July 13, 2021.

Time: 10:00 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: Jordan Matthew Moore, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1002A1, Bethesda, MD 20892, moorejom@mail.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowship: HIV/AIDS Biological.

Date: July 13, 2021.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Richard G. Kostriken, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3192, MSC 7808, Bethesda, MD 20892, 240-519-7808, kostrikr@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Special Topics: Noninvasive Neuromodulation and Neuroimaging Technologies.

Date: July 14, 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: Joseph G. Rudolph, Ph.D., Chief and Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5186, MSC 7844, Bethesda, MD 20892, 301-408-9098, josephru@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA-RM-21-005: Nutrition for Precision Health, powered by the All of Us Research Program: Clinical Centers.

Date: July 14, 2021.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Gregory S. Shelness, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6156, MSC 7892, Bethesda, MD 20892-7892, (301) 435-0492, shelnessgs@csr.nih.gov.

Name of Committee: Applied Immunology and Disease Control Integrated Review Group; Drug Discovery and Mechanisms of Antimicrobial Resistance Study Section.

Date: July 14-15, 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: Susan Daum, Ph.D., Scientific Review Officer, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3202, Bethesda, MD 20892, 301-827-7233, susan.boyle-vavra@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Chemistry, Biochemistry and Biophysics.

Date: July 14–15, 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: Ian Frederick Thorpe, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, ian.thorpe@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Bioengineering, Surgery, Anesthesiology and Trauma.

Date: July 14, 2021.

Time: 10:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Donald Scott Wright, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5108, MSC 7854, Bethesda, MD 20892, (301) 435-8363, wrightds@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Respiratory Sciences.

Date: July 14, 2021.

Time: 11:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting)

Contact Person: Eugene Carstea, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4130, MSC 7818, Bethesda, MD 20892, (301) 408-9756, carsteae@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Topics in Nephrology.

Date: July 14, 2021.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Aster Juan, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20817, 301-435-5000, juana2@mail.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Radiation Therapeutics and Biology.

Date: July 14, 2021.

Time: 2:00 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: Lambratu Rahman Sesay, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6214, MSC 7804, Bethesda, MD 20892, 301-905-8294, rahman-sesay@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 15, 2021.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-13336 Filed 6-23-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Diabetic Foot Ulcers Biomarkers RFA.

Date: July 28, 2021.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Michele L. Barnard, Ph.D., Scientific Review Officer, Review Branch, Division of Extramural Activities, NIDDK, National Institutes of Health, Room 7353, 6707 Democracy Boulevard, Bethesda, MD 20892-2542, (301) 594-8898, barnardm@extra.nidDK.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition

Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: June 17, 2021.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-13276 Filed 6-23-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HOMELAND SECURITY

DHS Data Privacy and Integrity Advisory Committee; Correction

AGENCY: The Department of Homeland Security (DHS), Privacy Office.

ACTION: Request for applicants for appointment to the DHS Data Privacy and Integrity Advisory Committee; correction.

SUMMARY: The Department of Homeland Security (DHS) is correcting a notice published in the **Federal Register** on June 1, 2021 requesting for applications for membership on the Data Privacy and Integrity Advisory Committee. In the **DATES** section, the notice incorrectly listed a due date for applications of June 23, 2021. The correct date should be July 1, 2021, to allow for a 30-day application period.

FOR FURTHER INFORMATION CONTACT: Nicole Sanchez, 202-343-1776, or PrivacyCommittee@hq.dhs.gov. Include the Docket Number (DHS-2021-0022) in the subject line of the message.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of June 1, 2021 at FR Doc 2021-11447, on page 29274, in the second column, in the **DATES** section, replace the date, “June 23, 2021” with the date “July 1, 2021.”

Nicole Sanchez,

Designated Federal Official.

[FR Doc. 2021-13311 Filed 6-23-21; 8:45 am]

BILLING CODE 9110-9L-P

DEPARTMENT OF HOMELAND SECURITY

[Docket Number DHS-2021-0027]

Agency Information Collection Activities: DHS Civil Rights and Civil Liberties Complaint and Privacy Waiver Form

AGENCY: Department of Homeland Security (DHS).

ACTION: 60-Day notice and request for comments.

SUMMARY: The Department of Homeland Security, will submit the following Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted until August 23, 2021. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: You may submit comments, identified by docket number Docket # DHS-2021-0027 at:

○ *Federal eRulemaking Portal:* <http://www.regulations.gov>. Please follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name and docket number Docket # DHS-2021-0027. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>.

SUPPLEMENTARY INFORMATION: The U.S. Department of Homeland Security (DHS), Office for Civil Rights and Civil Liberties (CRCL) reviews and investigates civil rights and civil liberties complaints filed by the public regarding U.S. Department of Homeland Security (DHS) policies and activities. Under 6 U.S.C. 345 and 42 U.S.C. 2000ee-1, CRCL reviews and assesses allegations involving a range of alleged civil rights and civil liberties abuses, such as:

- Discrimination based on race, ethnicity, national origin, religion, sex, sexual orientation, gender identity, or disability;
- Violation of rights while in immigration detention or as subject of immigration enforcement;
- Discrimination or inappropriate questioning related to entry into the United States;
- Violation of due process rights, such as the right to timely notice of charges or access to lawyer;
- Violation of confidentiality provisions of the Violence Against Women Act;
- Physical abuse or any other type of abuse;
- Denial of meaningful access to DHS or DHS-supported programs, activities, or services due to limited English proficiency and
- Any other civil rights, civil liberties, or human rights violation related to a Department program or activity, including allegations of discrimination by an organization or

program that receives financial assistance from DHS.

CRCL also reviews and investigates human rights complaints under Executive Order 13107, disability accommodation complaints under Section 504 of the Rehabilitation Act of 1973, and inaccessible Information and Communication Technology (ICT) complaints under Section 508 of the Rehabilitation Act, as amended by the Workforce Investment Act of 1998 (Pub. L. 105-220), codified at 29 U.S.C. 794. The information collected on this form will allow CRCL to review and investigate civil rights and civil liberties complaints filed by the public regarding DHS programs and activities.

CRCL submits copies all external allegations of civil rights and civil liberties violations within its jurisdiction that it receives to the DHS Office of Inspector General (OIG) for review because OIG has the right of first refusal to investigate any allegations. If the OIG declines to investigate the allegations, CRCL may investigate. CRCL coordinates with DHS Components and the OIG regarding matters that CRCL opens as complaint investigations as well as some it decides not to investigate. In general, CRCL shares the incoming information with the Components involved and coordinates with the Components throughout a CRCL investigation. As a result of its complaint investigations, CRCL issues recommendations to DHS Components to address issues of concern and to enhance the agency's civil rights and civil liberties protections. CRCL has also engaged with Components on the implementation of such recommendations.

In addition, the information provided is entered into a CRCL complaint management system (CMS) and may be used by CRCL to track allegations and identify trends and systemic issues that are within CRCL's jurisdiction regardless of whether CRCL investigates an individual allegation. CRCL has used information from these database records to notify DHS Components of issue areas and locations that may warrant closer attention.

Information can be submitted to CRCL via U.S. mail, email, fax, or telephone and may be initiated by members of the public, federal agencies, or agency personnel, non-governmental organizations, media reports or other sources. The use of the complaint form is optional.

The form is in a fillable accessible PDF format and can be submitted by U.S. mail, email, or fax to CRCL. The use of this form provides an efficient means for collecting and processing

required data and information useful to conduct an investigation. To minimize administrative burden on complainants and the Department, submission of information electronically, via email, is the fastest way to reach CRCL. Information provided by complainants is maintained in electronic format, so provided the information electronically will further minimize administrative burden.

If a complainant is unable to or does not wish to submit their information electronically, information can be submitted via U.S. mail, fax, or phone call. It is noted on CRCL's website that postal mail can take up to 20 business days. CRCL is about to launch a new CMS that would support other means of submitting a complaint (e.g., web portal) and these are enhancements that will be considered in the future.

This information collection does not have an impact on small businesses or other small entities.

If the information collection is not conducted or is conducted less frequently, CRCL may not be able to effectively fulfill its statutory obligation to the public to review and investigate allegations involving alleged civil rights and civil liberties abuses regarding DHS policies and activities.

Consequences for not using the fillable form include overall delays in processing and an increased frequency in need to follow up with complainants to obtain the types of information requested on the form.

The assurance of confidentiality provided to the respondents for this information collection will be provided by: CRCL's statute under 6 U.S.C. 345, 42 U.S.C. 2000ee-1; the Privacy Impact Assessment for the CRCL Complaint Form and Privacy Waiver; and the Systems of Record Notice: Department of Homeland Security/ALL-029 Civil Rights and Civil Liberties Records System of Records. This is a new information collection and, therefore, there are no changes.

The Office of Management and Budget is particularly interested in comments which:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

Analysis

Agency: Department of Homeland Security (DHS).

Title: DHS Civil Rights and Civil Liberties Complaint and Privacy Waiver Form.

OMB Number: 1600–NEW.

Frequency: On occasion.

Affected Public: Members of the Public or non-government organizations.

Number of Respondents: 692.

Estimated Time per Respondent: 1.

Total Burden Hours: 692.

Robert Porter Dorr,

Executive Director, Business Management Directorate.

[FR Doc. 2021–13210 Filed 6–23–21; 8:45 am]

BILLING CODE 9112–FL–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7036–N–05]

60-Day Notice of Proposed Information Collection: Protection and Enhancement of Environmental Quality; OMB Control No: 2506–0177

AGENCY: Office of Community Planning and Development, (HUD).

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested

parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* August 23, 2021.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Anna Guido, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410–5000; telephone 202–402–5535 (this is not a toll-free number) or email at Anna.P.Guido@hud.gov for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Liz Zepeda, Environmental Specialist, Office of Environment and Energy, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Liz Zepeda at elizabeth.g.zepeda@hud.gov or telephone 202–402–3988. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Guido.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: 24 CFR part 50—Protection and Enhancement of Environmental Quality.

OMB Approval Number: 2506–0177.

Type of Request: Extension of currently approved collection.

Form Number: N/A.

Description of the need for the information and proposed use: HUD requests its applicants to supply environmental information that is not otherwise available to HUD staff for the environmental review on an applicant’s proposal for HUD financial assistance to develop or improve housing or community facilities. HUD itself must perform an environmental review for the purpose of compliance with its environmental regulations found at 24 CFR part 50, Protection and Enhancement of Environmental Quality. Part 50 implements the National Environmental Policy Act and implementing procedures of the Council on Environmental Quality, as well as the related federal environmental laws and executive orders. HUD’s agency-wide provisions—24 CFR 50.3(h)(1) and 50.32—regulate how individual HUD program staffs are to utilize such collected data when HUD itself prepares the environmental review and compliance. Separately, individual HUD programs each have their own regulations and guidance implementing environmental and related collection responsibilities. For the next three years, this approved collection will continue unchanged under this OMB control number to assure adequate coverage for all HUD programs subject to Part 50.

Respondents: Businesses, not-for-profit institutions, and local governments receiving HUD funding.

Estimated Number of Respondents: 1,700.

Estimated Number of Responses: 1,700.

Frequency of Response: 1.

Average Hours per Response: 3.

Total Estimated Burdens: \$238,272.00.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
Total	1,700	1	1,700	3	5,100	\$46.72	\$238,272.00

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of

the agency, including whether the information will have practical utility;

(2) The accuracy of the agency’s estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through

the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C.

chapter 35. Principal Deputy Assistant Secretary for Community Planning and Development, James A. Jemison II, having reviewed and approved this document, is delegating the authority to electronically sign this document to submitter, Nacheshia Foxx, who is the Federal Register Liaison for HUD, for purposes of publication in the **Federal Register**.

Nacheshia Foxx,

Federal Register Liaison for Department of Housing and Urban Development.

[FR Doc. 2021-12994 Filed 6-23-21; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS-R8-ES-2021-N008; FF08EVEN00-FXES111608MSSO0]

Marine Mammal Protection Act; Stock Assessment Report for the Southern Sea Otter in California

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability of final revised stock assessment report for the southern sea otter in California; response to comments.

SUMMARY: In accordance with the Marine Mammal Protection Act of 1972, as amended (MMPA), and its implementing regulations, we, the U.S. Fish and Wildlife Service (Service), announce that we have revised our stock assessment report (SAR) for the southern sea otter stock in the State of California, including incorporation of public comments. We now make our final revised SAR available to the public.

ADDRESSES: *Document Availability:* You may obtain a copy of the SAR from our website at <https://www.fws.gov/ventura/endangered/species/info/sso.html>. Alternatively, you may contact the Ventura Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2493 Portola Road, Suite B, Ventura, CA 93003; telephone: 805-644-1766.

FOR FURTHER INFORMATION CONTACT: For information on the methods, data, and results of the stock assessment, contact Lilian Carswell by telephone (805-677-3325) or by email (Lilian_Carswell@fws.gov). Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service at 800-877-8339.

SUPPLEMENTARY INFORMATION: We are announcing the availability of the final revised SAR for the southern sea otter

(*Enhydra lutris nereis*) stock in the State of California.

Background

Under the MMPA (16 U.S.C. 1361 *et seq.*) and its implementing regulations in the Code of Federal Regulations (CFR) at 50 CFR part 18, we regulate the taking; import; and, under certain conditions, possession; transportation; purchasing; selling; and offering for sale, purchase, or export, of marine mammals. One of the goals of the MMPA is to ensure that stocks of marine mammals occurring in waters under U.S. jurisdiction do not experience a level of human-caused mortality and serious injury that is likely to cause the stock to be reduced below its *optimum sustainable population* (OSP) level. OSP is defined under the MMPA as “the number of animals which will result in the maximum productivity of the population or the species, keeping in mind the carrying capacity of the habitat and the health of the ecosystem of which they form a constituent element” (16 U.S.C. 1362(9)).

To help accomplish the goal of maintaining marine mammal stocks at their OSPs, section 117 of the MMPA requires the Service and the National Marine Fisheries Service (NMFS) to prepare a SAR for each marine mammal stock that occurs in waters under U.S. jurisdiction. Each SAR must include:

1. A description of the stock and its geographic range;
2. A minimum population estimate, current and maximum net productivity rate, and current population trend;
3. An estimate of annual human-caused mortality and serious injury by source and, for a strategic stock, other factors that may be causing a decline or impeding recovery of the stock;
4. A description of commercial fishery interactions;
5. A categorization of the status of the stock; and
6. An estimate of the *potential biological removal* (PBR) level.

The MMPA defines the PBR as “the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its [OSP]” (16 U.S.C. 1362(20)). The PBR is the product of the minimum population estimate of the stock (N_{\min}); one-half the maximum theoretical or estimated net productivity rate of the stock at a small population size (R_{\max}); and a recovery factor (F_r) of between 0.1 and 1.0. This can be written as:

$$PBR = (N_{\min})^{(1/2 \text{ of the } R_{\max})}(F_r)$$

Section 117(c)(1) of the MMPA requires the Service and NMFS to

review the SARs (a) at least annually for stocks that are specified as strategic stocks, (b) at least annually for stocks for which significant new information is available, and (c) at least once every 3 years for all other stocks. If our review of the status of a stock indicates that it has changed or may be more accurately determined, then the SAR must be revised accordingly. (16 U.S.C. 1386(c)(2)).

A *strategic stock* is defined in the MMPA as a marine mammal stock “(A) for which the level of direct human-caused mortality exceeds the [PBR] level; (B) which, based on the best available scientific information, is declining and is likely to be listed as a threatened species under the Endangered Species Act of 1973 [as amended] (16 U.S.C. 1531 *et seq.*) [the “ESA”], within the foreseeable future; or (C) which is listed as a threatened species or endangered species under the [ESA], or is designated as depleted under [the MMPA].” (16 U.S.C. 1362(19)).

Stock Assessment Report History for the Southern Sea Otter in California

The southern sea otter SAR was last revised in 2017 (82 FR 40793, August 28, 2017). Because the southern sea otter qualifies as a strategic stock due to its listing as a threatened species under the ESA, the Service reviewed the stock assessment in 2018. The review concluded that the status had not changed, nor could it be more accurately determined. However, upon review in 2019, the Service determined that revision was warranted because its status could be more accurately determined. Before releasing our draft SAR for public review and comment, we submitted it for technical review internally and for scientific review by the Pacific Regional Scientific Review Group, which was established under the MMPA (16 U.S.C. 1386(d)). In a January 27, 2020, **Federal Register** notice (85 FR 4696), we made our draft SAR available for the MMPA-required 90-day public review and comment period. Following the close of the comment period, we revised the SAR based on public comments we received (see Response to Public Comments) and prepared the final revised SAR. Between publication of the draft and final revised SARs, we have not revised the status of the stock itself (the southern sea otter continues to retain its status as a strategic stock). However, we have updated the SAR to include the most recent information available.

Summary of Final Revised Stock Assessment Report for the Southern Sea Otter in California

The following table summarizes some of the information contained in the final

revised SAR for southern sea otters in California, which includes the stock's N_{min} , R_{max} , F_r , PBR, annual estimated human-caused mortality and serious injury, and status:

SUMMARY: DRAFT REVISED STOCK ASSESSMENT REPORT FOR THE SOUTHERN SEA OTTER IN CALIFORNIA

Southern Sea Otter Stock	N_{min}	R_{max}	F_r	PBR	Annual estimated human-caused mortality and serious injury	Stock status
Mainland	2,863	0.076	0.1	10.88	Figures by specific source, where known, are provided in the SAR.	Strategic.
San Nicolas Island	99	0.192	0.1	0.95		
Summary	2,962	.....	.....	12		

Response to Public Comments

We received comments on the draft SAR from the Marine Mammal Commission (Commission), the California Department of Fish and Wildlife, and a consortium of environmental groups consisting of Defenders of Wildlife, Friends of the Sea Otter, the Humane Society of the United States, Humane Society Legislative Fund, Earthjustice, Center for Biological Diversity, Ocean Preservation Society, Animal Welfare Institute, Earth Island Institute, and Earth Law Center. We present substantive issues raised in those comments that are pertinent to the SAR, edited for brevity, along with our responses below.

Comment 1: The Commission recommends that the Service review and revise the “Current and Maximum Net Productivity Rates” section of the SAR and provide a rationale for using an R_{max} that is consistent with the numbers used in the calculation of PBR. Further, the Commission recommends that the Service consider the theory behind use of R_{max} in the PBR calculation and whether 0.13 (or the default value of 0.12 for sea otters) is appropriate for a single range-wide calculation of PBR.

Response: We have revised the “Current and Maximum Net Productivity Rates” section of the SAR to clarify our reasons for using particular R_{max} values. We have considered the theory behind the use of R_{max} in the PBR calculation and added a brief discussion of the relevance of the PBR calculation to the southern sea otter stock. We have not adopted a single range-wide value of R_{max} for the reasons described in the SAR. However, we will present the issue for further consideration by the Pacific Scientific Review Group upon our next revision of the SAR.

Comment 2: The Commission recommends that, at a minimum, the Service correct the mainland PBR

estimate in the SAR using the mainland minimum population estimate. Further, the Commission recommends that the Service follow the guidance provided in the Guidelines for Assessing Marine Mammal Stocks (NMFS 2016) for rounding the PBR estimate and report the PBR to one decimal place.

Response: We have corrected the mainland PBR estimate and have followed the rounding guidance provided in NMFS (2016).

Comment 3: The Commission recommends that the Service make its stock assessment reviews available yearly to the appropriate Scientific Review Group (SRG) and the Marine Mammal Commission from this point forward.

Response: We typically provide a presentation to the Pacific SRG on the status of the southern sea otter. We will continue to make such presentations and explain our stock assessment review process to the Pacific SRG and Commission.

Comment 4: Per the **Federal Register** notice, since the southern sea otter stock is considered strategic, the Service is to evaluate the stock annually and develop the SAR based on the best scientific information available. This draft SAR was presented for public review in January 2020 and does not include evaluation of 2019 data readily available on population abundance and distribution.

Response: We review the SAR, based on the best scientific information available, annually to determine whether the status of the stock has changed or can be more accurately determined. If such findings are made, we revise the SAR. Delays in publication of the draft SAR in the **Federal Register** resulted in the notice of availability being published after additional census data had been reported. We have updated the SAR with the latest available information.

Comment 5: Adult females with pups do utilize open-water, soft-bottom

habitats. Decades ago, it was rare for this demographic to be observed in these habitats. We know pups are challenging to spot during aerial surveys and are often missed and therefore not well documented in the standard survey method for these habitats. More recent ground-based survey work and incidental boat-based observations have confirmed the presences of mom-and-pup pairs in these open-water habitats.

Response: We have eliminated excessive detail on habitat use.

Comment 6: Although the pattern of migration to the range peripheries was well documented in the past, it has not been observed in over a decade.

Response: We have eliminated outdated data on habitat use.

Comment 7: A line should be added to Figure 2 to denote the current targeted recovery goal.

Response: We have not added a line representing the threshold for delisting consideration for two reasons. First, we do not wish to detract from the purpose of this report under the MMPA, which is primarily to assess the progress of the stock toward its OSP level and toward a zero-mortality goal for commercial fisheries interactions, not to evaluate progress toward recovery goals under the ESA. Second, as we explain in text that has been added to the Status of Stock section, the threshold for delisting consideration was based on assumptions regarding the relationship between effective population size and actual population size that are now known to be inaccurate.

Comment 8: If the report is not updated to reflect 2019 data, we suggest that references in the report to “the past 5 years” identify the specific 5-year period under consideration.

Response: We have updated the SAR to include the most recent available information and have identified the 5-year period under discussion.

Comment 9: The paradigm shift in understanding the reason for slow population growth rates in California

was 6–7 years ago and is not a recent development. The previous speculation regarding the reasons for slow growth focused on the difference in survival, not reproduction.

Response: We have revised the discussion of the effects of habitat configuration on growth rates.

Comment 10: There is no explanation why 13 percent was selected as R_{\max} for the San Nicolas Island subpopulation.

Response: We have updated R_{\max} for the mainland and island subpopulations and added citations to identify the source of these numbers.

Comment 11: The **Federal Register** notice provides an explanation of the intent and scale of the recovery factor. We suggest this explanation be included in the report with some explanation of how 0.1 was selected.

Response: We believe the SAR adequately explains how a recovery factor of 0.1 was selected because it cites Taylor et al. (2003) and lists the factors from that discussion that apply to the southern sea otter stock. We have not added further explanation.

Comment 12: There is no evidence the California yellowtail, barracuda, and white seabass or California thresher shark/swordfish drift gillnet fisheries have sea otter incidental take because it is unlikely there is any overlap of these fisheries and sea otter habitat. We suggest these be deleted.

Response: We have removed these drift gillnet fisheries due to a lack of habitat overlap.

Comment 13: We suggest the squid purse-seine fishery be presented as a potential risk.

Response: We have added the California squid purse seine fishery to the SAR based on analogy with the California purse seine fishery for northern anchovy and Pacific sardine.

Comment 14: Mortality of sea otters in traps set for crabs, lobsters, and finfish is likely under-reported due to the challenges of identifying drowning as a cause of mortality in marine mammals.

Response: We have added this information.

Comment 15: If possible, the hook-and-line fishers should be separated from this discussion of trap fishers. The “stick gear” used by some hook-and-line commercial fishers likely presents a different risk (entanglement).

Response: These fisheries are grouped together in one category in the List of Fisheries, and separate data for the different fishery components are not available.

Comment 16: How has “unknown hook and line” been confirmed as commercial versus recreational fishing

activity such that it is included in Table 1?

Response: Because it is often not possible to make a definitive determination whether entanglements are due to commercial or recreational gear, we have included here all known strandings caused by entanglement in unidentifiable gear. As a result, mortality in commercial fishing gear may be overestimated for these categories. We have added a note to this effect to Table 1.

Comment 17: Some shootings are related to fishery interactions, and this cause of death is likely under-reported due to the lack of systematic radiographs of all carcasses.

Response: We have added language to this effect to the SAR.

Comment 18: The SAR does not include mention of Gagne et al. (2018), who concluded that the suppositions underlying the effective population size and the delisting threshold in the Final Revised Recovery Plan for the Southern Sea Otter (2003) were flawed.

Response: We have added a reference to Gagne et al. (2018) to the SAR. However, we note that the species status assessment process we are undertaking under the ESA is distinct from our obligations under the MMPA.

Additional References Cited

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Authority

The authority for this action is the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*).

Signing Authority

The Director, U.S. Fish and Wildlife Service, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the U.S. Fish and Wildlife Service. Martha Williams, Principal Deputy Director Exercising the Delegated Authority of the Director, U.S. Fish and Wildlife Service, approved this document on June 17, 2021, for publication.

Krista Bibb,

Acting Regulations and Policy Chief, Division of Policy, Economics, Risk Management, and Analytics, Joint Administrative Operations, U.S. Fish and Wildlife Service.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R7–ES–2018–N051;
FXES111607MPB01–189–FF07CAMM00]

Marine Mammal Protection Act; Stock Assessment Reports for Two Stocks of Polar Bears

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; response to comments.

SUMMARY: In accordance with the Marine Mammal Protection Act of 1972, as amended, we, the U.S. Fish and Wildlife Service, after consideration of comments received from the public, have revised marine mammal stock assessment reports for each of the two polar bear stocks in Alaska. We now make the final revised stock assessment reports for the Southern Beaufort Sea polar bear stock and the Chukchi/Bering Seas polar bear stock available to the public.

ADDRESSES: Document Availability: You may obtain a copy of the Southern Beaufort Sea polar bear and Chukchi/Bering Seas polar bear stock assessment reports by any one of the following methods:

- **Internet:** <https://www.fws.gov/alaska/pages/marine-mammals/polar-bear> (for both polar bear stocks).
- Write to or call (during normal business hours from 8 a.m. to 4:30 p.m., Monday through Friday) Dr. Patrick Lemons, Chief, U.S. Fish and Wildlife Service, Marine Mammals Management Office, 1011 East Tudor Road, MS–341 Anchorage, Alaska 99503; telephone: (800) 362–5148.

FOR FURTHER INFORMATION CONTACT: Dr. Patrick Lemons, Marine Mammals Management Office by telephone (800) 362–5148 or by email (fw7mnmcomment@fws.gov). Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: We announce the availability of the final revised stock assessment reports (SARs) for two stocks of polar bears (*Ursus maritimus*).

Background

Under the Marine Mammal Protection Act (MMPA; 16 U.S.C. 1361 *et seq.*) and its implementing regulations in the Code of Federal Regulations (CFR) at 50 CFR part 18, the U.S. Fish and Wildlife Service (Service) regulates the taking; import; and, under certain conditions, possession; transportation; purchasing;

selling; and offering for sale, purchase, or export, of marine mammals. One of the goals of the MMPA is to ensure that stocks of marine mammals occurring in waters under U.S. jurisdiction do not experience a level of human-caused mortality and serious injury that is likely to cause the stock to be reduced below its *optimum sustainable population level* (OSP). The OSP is defined under the MMPA as “the number of animals which will result in the maximum productivity of the population or the species, keeping in mind the carrying capacity of the habitat and the health of the ecosystem of which they form a constituent element” (16 U.S.C. 1362(9)).

To help accomplish the goal of maintaining marine mammal stocks at their OSPs, section 117 of the MMPA requires the Service and the National Marine Fisheries Service (NMFS) to prepare a SAR for each marine mammal stock that occurs in waters under U.S. jurisdiction. A SAR must be based on the best scientific information available; therefore, we prepare it in consultation with an independent Scientific Review Group (SRG) established under section 117(d) of the MMPA. Each SAR must include:

1. A description of the stock and its geographic range;
2. A minimum population estimate, current and maximum net productivity rate, and current population trend;
3. An estimate of the annual human-caused mortality and serious injury by source and, for a strategic stock, other factors that may be causing a decline or impeding recovery of the stock;
4. A description of commercial fishery interactions;
5. A categorization of the status of the stock; and
6. An estimate of the *potential biological removal* (PBR) level.

The MMPA defines the PBR as “the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its OSP” (16 U.S.C. 1362(20)). The PBR is the product of the minimum population estimate of the stock (N_{\min}); one-half the maximum theoretical or estimated net productivity rate of the stock at a small population size (R_{\max}); and a recovery factor (F_r) of between 0.1 and 1.0, which is intended to compensate for uncertainty and unknown estimation errors. This can be written as:

$$PBR = (N_{\min})(\frac{1}{2} \text{ of the } R_{\max})(F_r).$$

Section 117 of the MMPA also requires the Service and the NMFS to review the SARs (a) at least annually for

stocks that are specified as strategic stocks, (b) at least annually for stocks for which significant new information is available, and (c) at least once every 3 years for all other stocks. If our review of the status of a stock indicates that it has changed or may be more accurately determined, then the SAR must be revised accordingly.

A *strategic stock* is defined in the MMPA as a marine mammal stock “(A) for which the level of direct human-caused mortality exceeds the PBR level; (B) which, based on the best available scientific information, is declining and is likely to be listed as a threatened species under the Endangered Species Act of 1973, [as amended] (16 U.S.C. 1531 *et seq.*) [ESA], within the foreseeable future; or (C) which is listed as a threatened or endangered species under the ESA, or is designated as

depleted under the MMPA” (16 U.S.C. 1362(19)).

Stock Assessment Report History for the Two Polar Bear Stocks

Both polar bear SARs were last revised in January 2010. Because the polar bear is listed as a threatened species under the ESA, both the Southern Beaufort Sea and the Chukchi/Bering Seas polar bear stocks are considered strategic. The Service therefore considered all available new information on these stocks in 2011, 2012, and 2013, and determined that no new information was available that indicated the status of the stocks had changed or could be more accurately determined. However, as new information became available in 2014, the Service initiated revision of the SARs, and once completed, presented

them for review to the SRG. Subsequent to that review, the Service published a notice in the **Federal Register** informing the public of the availability of these draft revised SARs and seeking public comment (82 FR 28526; June 22, 2017). These final revised SARs incorporate the comments and suggestions provided to the Service by the SRG and the public, as appropriate.

Summary of Revised Stock Assessment Reports for the Two Polar Bear Stocks in Alaska

The following table summarizes some of the information contained in the revised SARs for the Southern Beaufort Sea polar bear and the Chukchi/Bering Seas polar bear stocks, which includes each stock’s N_{min} , R_{max} , F_r , PBR, annual estimated human-caused mortality and serious injury, and status.

SUMMARY—FINAL REVISED STOCK ASSESSMENT REPORTS FOR THE SOUTHERN BEAUFORT SEA POLAR BEAR AND CHUKCHI/BERING SEAS POLAR BEAR STOCKS

Polar bear stock	N_{min}	R_{max}	F_r	PBR	Annual estimated human-caused mortality and serious injury	Stock status
Southern Beaufort Sea	782	0.075	0.5	14	Annual estimated removals for each stock are provided in the SARs.	Strategic.
Chukchi/Bering Seas	2,000	0.0603	0.5	30		Strategic.

Response to Public Comments

We received comments on the draft revised SARs from the Marine Mammal Commission (Commission), Department of Wildlife Management, North Slope Borough, Utqiagvik, Alaska, BP Exploration (Alaska), Inc., and the Center for Biological Diversity. We present substantive issues raised in those comments that are pertinent to the SARs, edited for brevity, along with our responses below.

General Public Comments That Apply to Both SARs

1. The Service should undertake a more extensive, finer scale analysis of genetic differences between the Chukchi/Bering Seas (CBS) and Southern Beaufort Sea (SBS) stocks to delineate further the extent of stock discreteness.

Response: Genetic differentiation between the two stocks is one metric to consider, but we believe sufficient data exist from other metrics (behavioral, movement, demographic) to support the current differentiation of the stocks. We will continue to review new information as it becomes available and reassess their discreteness. Additionally, the genetic work that has been done (and is cited in the current SARs) suggests that there is little genetic variation between the two stocks.

2. The section on the distribution of the CBS and SBS stocks of polar bears should be expanded to discuss the uncertainty over where to draw the stock boundaries between them and the efforts that are being taken to resolve these questions.

Response: Although the MMPA does not require the Service to describe stock boundaries but rather stock ranges, we added text to both documents indicating there is uncertainty associated with the current boundary.

3. Figure 3 in both SARs should be revised to include alternative harvest estimates using Icy Cape as one possible stock boundary and Point Barrow as the other given the uncertainty over where to draw the boundary between the CBS and SBS stocks.

Response: For the purposes of these SARs, the Service continues to accept the boundaries identified by the Polar Bear Specialist Group (PBSG). Should new information become available to better define these boundaries in the future, we will revise the SARs to reflect that new information.

4. The Service should revise the genetics section of both SARs to include a stronger statement about the role genetics plays in the Service’s decision to manage stocks separately.

Response: Although the statute does not require a discussion of genetics in

the SARs, we included information on research that shows the stocks appear to be genetically similar. However, we explicitly state that other factors (*e.g.*, behavior) warrant the stocks being managed separately. The Service has determined that a stronger statement is not necessary.

5. In the ‘current population trend’ sections of both SARs the Service should explain why it has determined removals for subsistence during the 20th century were low enough to allow the populations to remain near carrying capacity.

Response: The SARs do not state that subsistence during the 20th century was low enough to allow populations to remain near carrying capacity. Rather, it states that this is our belief for the period prior to the 20th century when subsistence harvest would have been the primary source of anthropogenic mortality.

6. The ‘climate change’ section of each report discusses the listing of ringed and bearded seals by the NMFS under the ESA. The Service notes that a district court ruling vacating the bearded seal listing was overturned on appeal, so that the listing is again in force. The Service should also note that the appeal of the ruling vacating the ringed seal listing is still pending.

Response: The U.S. Supreme Court denied the petition for review of the decision and, therefore, the listings stand. We have removed these statements from the SARs.

7. The Service should improve its review of the status of the stocks on an annual basis.

Response: SARs are thoroughly vetted and accurately reflect the best scientific information available. The Service meets its statutory requirements of reviewing both polar bear stock assessments on an annual basis and, if appropriate, revises the current SARs. The Service then submits these draft revisions first to the SRG, noting to the SRG that they are preliminary documents pending complete Service review, and then for public comment. The Service also updates the SRG on any new information and ongoing studies during the SRG's annual meeting. We appreciate the concern over the time it takes for both of these reviews but balance that concern with the need to ensure our SARs contain the best available scientific information and are subject to public notice and comment process.

8. The SARs must clearly state that anthropogenic climate change is the primary threat to the SBS and CBS stocks and must include key scientific findings documenting the negative effects that climate change is having on these populations.

Response: There are currently no studies that show negative population-level impacts of sea ice loss for polar bears in the CBS stock. However, there are behavioral and distributional changes occurring as a result of sea ice loss, and we currently cite those studies that show such effects to the CBS stock (e.g., Rode et al. 2015a, Wilson et al. 2016). We also document studies that show the negative population-level effects that the SBS stock are experiencing as a result of sea ice loss. We have added a citation to Atwood et al. (2016) to further clarify that climate change has been identified as the primary threat to polar bears.

9. The Service should emphasize that bears in both populations are spending less time in their preferred shallow water sea-ice habitats as these habitats diminish and more time in marginal habitats on shore and on sea ice off the continental shelf. The following studies should be cited: Gleason and Rode (2009), Cherry et al. (2013), and Ware et al. (2017).

Response: We added a reference to the Gleason and Rode (2009) study to make this point for the SBS SAR. The Ware et al., study (2017) does not provide information that significantly changes

our understanding of how bears' use of sea ice changes as it relates to sea ice loss, nor does it provide information that indicates the status of the species has changed or can be more accurately determined. The study by Cherry et al. (2013) is in reference to bears in Hudson Bay, so is not relevant for these SARs. We also cite Rode et al. (2015) in the CBS SAR to document increased land use by those bears, and Wilson et al. (2016) to highlight the reduction in 'optimal' summer sea ice habitat in the Chukchi Sea.

10. The Service should include new findings that provide further evidence for an increase in land-based denning in response to climate change: Olson et al. (2017).

Response: The study by Olson et al. (2017) does not include information that substantially alters our understanding of increased land-based use, which is confirmed in Fishbach et al. (2007). Nor does it provide information that indicates the status of the species has changed or can be more accurately determined.

11. In describing the different responses of the CBS and SBS stocks to sea ice loss, the SAR should report the findings of Ware et al. (2017).

Response: As stated previously, the study by Ware et al. (2017) does not provide information that substantially alters our understanding of either population's status nor does it provide information that indicates the status of the species has changed or can be more accurately determined. The study by Ware et al. (2017) confirms our understanding of the different responses of the two stocks, information that is already discussed in the SAR.

12. The Service should include the following citations for increasing energetic costs associated with sea ice changes: Durner et al. (2017), Ware et al. (2017).

Response: As stated previously, these studies do not provide information that substantially alters our understanding of either population's status and do not provide information that indicates the status of the species has changed or can be more accurately determined. Further, these studies indicating energetic costs associated with sea ice loss confirm information already considered in this SAR.

13. The Service should clearly and finally delineate the CBS/SBS boundary line.

Response: We do not believe the SARs are the appropriate document in which to discuss delineation of the boundary line between these two stocks. We have described the geographic range of these stocks as required by the MMPA.

14. The SARs must include important new information on the threats from oil and gas development including the April 2017 Executive Order attempting to lift the permanent ban on offshore drilling in the U.S. Arctic, and the Bureau of Ocean Energy Management proposal to approve the offshore Liberty drilling project in SBS polar bear habitat.

Response: On January 20, 2021, the President issued Executive Order 13990, which, amongst other things, revoked Executive Order 13795. Considering this action, the Service believes the SARs adequately address any potential threats from oil and gas development.

15. The SARs should acknowledge there are currently no effective means of cleaning up an oil spill in Arctic waters.

Response: Section 117(a)(3) requires the agency provide information on other factors that may cause a decline or impede recovery of a strategic stock. An oil spill in the Arctic could have negative impacts on these stocks, particularly if there are no (or limited) means of cleaning the spill. Therefore, we have included a statement to this effect in the revised documents.

16. The Service needs to categorize each stock's status relative to OSP.

Response: Section 117(a) states the draft SAR shall categorize the status of the stock as one that either has a level of human-caused mortality and serious injury that is not likely to cause the stock to be reduced below its OSP or is a strategic stock. The Service has categorized the status of each stock as strategic.

17. The SARs must acknowledge that harvest of both populations exceeds PBR and may cause the stocks to be reduced below their optimal sustainable population, which is prohibited by the MMPA.

Response: In meeting our statutory requirements under the MMPA Section 117, this stock assessment report contains an estimate of the potential biological removal level, describing the information used to calculate the estimate. We have determined that the SARs adequately describe the scope and extent of polar bear harvest in both stocks as presented.

18. The SARs should include and discuss studies that forecast the likely extirpation of both polar bear stocks within this century: Amstrup et al. (2010), Atwood et al. (2016), Regehr et al. (2016).

Response: We have further reviewed these studies and note they conclude the stocks have a high probability of becoming greatly reduced. Section 117(a)(3) requires the agency provide information on other factors that may

impede recovery of a strategic stock and, therefore, we added this point to the climate change section of each SAR.

19. Speculation on the long-term status of each polar bear stock should be organized within a discrete section that is appropriately described as such.

Response: We believe this information is appropriately contained within their current sections and that sufficient information is provided to allow readers to assess the level of confidence in the currently available science.

20. The Service has provided inconsistent messages about the boundaries of both the CBS and SBS polar bears, which makes it difficult for subsistence hunters, subsistence communities, the public, and decisionmakers to adequately understand polar bear biology or management or the position of the Service. Clarity is needed on both boundaries.

Response: Section 117 requires that the agency describe the geographic range of the subject stocks, including any seasonal or temporal variations but it does not require a delineation of boundaries. These SARs are based on the geographic ranges as described in each document. While work is currently being conducted to update the biology associated with the geographic range of the CBS and SBS stocks, the description provided in these documents reflects the best available science for each stock.

21. Each SAR should be clear about the factors associated with uncertainty in determining whether the polar bears in each region constitute a stock. Further, the Service should also describe in detail the implications (*e.g.*, conservation, subsistence) of the current uncertainty and inconsistencies in stock boundary determination.

Response: We have explicitly provided the factors that identify these stocks as being considered and managed separately. These two stocks are spatially segregated and each stock is made up of a group occurring “in a common spatial arrangement,” per the statutory definition. This separation is further supported by the different patterns in body condition and responses to sea ice loss. Although we acknowledge there is some confusion concerning the established boundaries between these stocks, we do not believe the SARs are the appropriate document in which to discuss issues associated with these uncertainties.

22. The Service’s information on contaminants is incomplete for both stocks and does not include more recent papers. Relevant missing literature includes: Dietz et al. (2015); Letcher et al. 2011 (conference abstract); McKinney

et al. (2011a, b); Nuijten et al. (2016); and Routti et al. (2011). SARs should be updated to include the above references.

Response: We included additional information as appropriate in each SAR.

23. More detail should be provided about which Traditional Ecological Knowledge stakeholders were consulted and how that information was used to inform SARs.

Response: We added reference to the Voorhees et al. (2014) study in the CBS SAR and the Joint Secretariat study (2015) in the SBS SAR.

24. The Service should clarify what is meant by ‘relatively discrete subpopulations’ on page 1 of both SARs.

Response: We removed the term “relatively discrete” as it does not add to the statement that there are 19 subpopulations.

25. Contaminant samples were not collected in a random or systematic manner. The Service should explain how contaminant data are indicative of stock status versus a sampling artifact or a difference in prey species having different contaminant burdens and provide evidence on how samples were collected.

Response: The studies cited found that contaminants vary between bears in the two stocks, providing evidence of spatial segregation or differences in space use between them.

26. The Service should provide evidence of why CBS and SBS stocks should be separated given the weak genetic and movement data (*i.e.*, overlap in distribution of tagged bears).

Response: We disagree that there are weak movement data. In the 10+ years that the Service has been conducting polar bear capture work in the Chukchi Sea, only twice have bears been recaptured in the Chukchi Sea that were previously captured in the Beaufort Sea. Similarly, we are unaware of any bears captured in the Chukchi Sea being recaptured in the Beaufort Sea. Movement data from Global Positioning System (GPS) collars clearly shows bears captured in the Chukchi Sea move to the northwest and away from the Beaufort Sea as the ice retreats, with many summering on the Russian coast and none ever summering on the northern coast of Alaska. Conversely, polar bear movements of those captured in the Beaufort Sea show bears moving north and northeast as the ice retreats. Those bears that summer on shore do so primarily near Kaktovik, Alaska, and not the Russian coast. In addition to movement data, numerous studies have shown significant differences in how bears in the two stocks are responding to sea ice loss, with bears in the Beaufort Sea experiencing population

declines, lower body conditions, and reduced reproductive performance than bears in the Chukchi Sea.

27. More details are needed about how the location of tagged bears in the Chukchi and Beaufort Seas might influence the representativeness of tagged bears to the entire population.

Response: We added additional information stating that it’s unclear what role capture location plays in our estimate of the stock’s distribution, but that bears captured south of Point Hope overlap the space use patterns of bears that were captured more widely in the early 1990s.

28. On page 5 (SBS SAR) and page 6 (CBS SAR) similar sentences are present that state “polar bears are generally expected to experience nutritional stress as loss of sea ice continues” How is this relevant to defining the stocks? Even if relevant, both stocks respond similarly, thereby contradicting the supposition that these are stocks. The paragraph with these statements is not relevant to stock definition or geographic range and should therefore be removed from this section.

Response: We disagree. The statutory definition of a “population stock” or “stock” includes a group of marine mammals of the same species occurring “in a common spatial arrangement,” such as these two polar bears stocks. The information is relevant to describing these two stocks because, even though bears may respond similarly to changing sea ice conditions, it shows that they are spatially segregated. If there was no spatial segregation, then we would expect to see similar patterns in body condition and response to sea ice loss between the stocks. However, the opposite is true. We therefore believe information in these paragraphs remains relevant and important to report.

Comments Specific to the Chukchi/ Bering Seas Stock Assessment

29. The Service should revise the SAR for the CBS stock to conform to that guidance [Guidelines for Preparing Stock Assessment Reports published by the National Marine Fisheries Service (NMFS) in 2016] by indicating that the minimum population size is unknown. If the Service retains 2,000 bears as the estimate of minimum population size in the final report, the agency should include compelling evidence that the stock has not declined since the last survey. In addition, as explained in the guidelines, a minimum population estimate should be calculated to provide assurance that “a stock of unknown status would achieve and be maintained within OSP with 95% probability.”

Consistent with that guidance, the Service should include an analysis of how its point estimate of 2,000 bears (which, in any event, appears to be an estimate of N_{best} rather than N_{min}) satisfies this directive and meets the requirement under section 3(27) of the MMPA that the minimum population estimate provide reasonable assurance that “the stock size is equal to or greater than the estimate.”

Response: The Service appreciates and supports the efforts of the NMFS in developing their Office of Protected Species Technical Memorandum and the 2016 Guidelines for Preparing Stock Assessment Reports. However, these NMFS guidelines have not been adopted by the Service, and, while we consider the information contained within them to the extent applicable, they are not binding on the Service. Nonetheless, as discussed in the SAR, the Service considers a minimum population estimate of 2,000 individuals (Aars et al. 2006) to be the best available scientific information we have at this time. In addition, recent studies have indicated that bears inhabiting the Chukchi Sea seem to be in good physical condition and may be experiencing population growth (Voorhees et al. 2014; Rode et al. 2014). Therefore, we are reasonably assured that the CBS stock includes at least 2,000 bears.

30. Revise the section that discusses the U.S.-Russia Bilateral Agreement to state that harvest limits set under the Agreement have yet to be implemented by the United States pending the establishment of needed management and enforcement structures.

Response: We do not believe the comment accurately describes Service actions under the U.S.-Russia Bilateral Agreement. Although we do not believe the SAR is the appropriate document in which to discuss implementation of the harvest limits under the U.S.-Russia Bilateral Agreement, we have provided updates to the SAR to reflect recent actions by the Commission and the Service.

31. The discussion of harvest in Russia is included in the section on “other mortality” in the draft CBS SAR, because it is considered illegal. However, according to Kochnev and Zdor (2014) most, if not all, of that harvest is for subsistence purposes. If this is the case, it would make more sense to move that discussion into the section on Native subsistence harvest. Also, rather than relying on a personal communication from Eduard Zdor as one of the sources for the information, the Service should cite the related publication, Kochnev and Zdor (2014),

which is included in the “citations” section as Kochnev and Zdor (2015).

Response: We included the citation of Kochnev and Zdor (2015) instead of the personal communications statement. However, we kept this information in the “other mortality” section because it is still unreported harvest and unclear how much is for subsistence or possibly other purposes.

32. The Service should report total harvest mortality for the CBS stock, including both the United States and Russia. Thus report 32 bears as the best estimate of direct harvest in Russia.

Response: We agree and added text to the final SAR to reflect this information.

33. The SAR should cite the following studies suggesting low cub production and reduced maternity denning: Ovsyanikov (2012), Ovsyanikov and Menyushina (2014).

Response: We do cite Ovsyanikov (2012), which sufficiently makes the identified points.

34. The CBS population estimate should be listed as ‘unknown’ given that it is more than 8 years old, and PBR should be listed as ‘undetermined’ as PBR cannot be calculated with an unknown minimum population size.

Response: The population estimate of 2,000 is based on extrapolated den data, which we acknowledge is more than 10 years old. It was the best scientific information available for these calculations. The Service has been analyzing data on this stock, and we will revise our SARs, subsequent to that analysis, if appropriate.

35. On page 9, in the last paragraph, the Service should insert ‘in Russia’ after ‘illegal harvests.’

Response: We have made this change.

36. On page 10, in the top paragraph: Why is the information in Kochnev and Zdor (2015) not presented given that it represents the best available information?

Response: This section discusses the historic views on overharvest in the early 2000s; therefore, the study by Kochnev and Zdor is not relevant. We do, however, discuss the results of Kochnev and Zdor in the subsequent discussion.

37. On page 10, the last two paragraphs in the penultimate paragraph on the page, the Service cautions that the results of Ovsyanikov (2012) were based on an “inconsistent study design among years and lack of quantitative analyses to understand the demographic ramifications of the observed recruitment indices.” The Service then goes on to use those results to suggest there is an “apparently lower reproduction on Wrangel Island.” If Ovsyanikov’s results are suspect, then

they should not be used in the SAR. The following should be deleted from the final sentence on this page: “apparently lower reproduction on Wrangel Island.”

Response: We believe it is relevant to cite the study by Ovsyanikov but highlight for readers the reasons why the results might not be reliable. We also did not delete “apparently lower reproduction on Wrangel Island” because it is in reference to the decision making process of the PBSG, and that is one of the factors they cited in their decision to consider the population ‘data deficient.’

38. The second complete sentence on page 13 is information from Kochnev and Zdor (2015), which provides subsistence removal estimates based on interview data. Reference to this paper and its information should be included in the SAR.

Response: We agree and revised the SAR to reflect this information.

39. On page 16, the last sentence of the paragraph before “Status of Stock” is information from Kochnev and Zdor (2015), which is criticized for reasons similar to those given for Ovsyanikov (2012).

Response: As noted above, we revised the SAR to reflect both studies and discussed their limitations.

40. On page 19, the last sentence of paragraph before “Oil and Gas Extraction”, the interpretation of Wilson et al. (2016) is that population declines will occur as a result of lost “preferred” habitat. This statement is overreaching.

Response: We changed “continued loss is likely to lead to population declines . . .” to “continued loss could lead to population declines . . .”

Comments Specific to the Southern Beaufort Sea Stock Assessment

41. Commenter appreciates the transparency and acknowledgement that the SBS minimum population estimate is biased low because the western extent of the SBS stock range (west of Point Barrow) was not included in previous capture/recapture studies. It is likely that the minimum population estimate is higher than 782 bears listed on page 8 of the draft stock report, given that a portion of the SBS stock range is not reflected in prior studies.

Response: We agree and recognize that the minimum population estimate may be higher. Thus, consistent with the statutory definition of “minimum population estimate,” the estimate provides reasonable assurance that the stock is equal to or greater than the estimate.

42. In the *Other Mortality* subsection, the Service should strike the words, “near industry facilities” from the line

on page 13: “In 2012, one adult female and her two-year old male cub were found dead on an island near industry facilities.” Industry operators worked closely with Service Law Enforcement and the Marine Mammals Management Office after the discovery of these bears. There was no discovered source of rhodamine B or hazardous substance unsecured or available to wildlife at industry facilities. The bears were also discovered close to Cross Island (the base for local whaling activities), a U.S. Air Force short-range radar site, and local communities. There are also shipping and boating activities that occur throughout the Beaufort Sea that could have been a source. Please include all or none of these potential sources given that the cause of the polar bears’ death remains unknown.

Response: We made the suggested change.

43. The U.S. Geological Survey (USGS) has collected population data on SBS bears through at least 2015; new data should be analyzed and presented as soon as possible.

Response: The USGS was working to analyze those data at the time the SAR was being developed; the Service considers all information, including information from the USGS, when it is available to us.

44. The Service should provide information on the map in Figure 2 indicating whether overlap exists between the two stocks (Northern Beaufort Sea (NBS) and SBS) and showing its likely extent. In addition, the Service should provide available information on the range of the stocks. The Service should use the best available information when describing the range of the SBS stock regardless of whether or not it has been accepted by the PBSG.

Response: We modified the figure to include information on the Northern Beaufort Sea stock.

45. Harvest data from Canada should be included in Figure 3 of the Service’s SAR.

Response: Canada records and reports harvest data based on a hunting season that overlaps 2 calendar years. The U.S. portion of the harvest, which is provided in Figure 3, is reported based on annual harvest data. Therefore, rather than revise Figure 3, we have included their harvest information in the body of the SAR.

46. A proposed R_{max} of 7.5 percent for the SBS population is much too high and the rate should be revised to a more science-based and precautionary value.

Response: As we describe in the SAR, under favorable conditions, the population was capable of increasing up

to 7.5 percent. Although we also acknowledge that potential current and future effects could lead to lower realized growth rates, 7.5 percent provides the best estimate to date of R_{max} .

47. The Service should confirm the current quota of 70 bears under the agreement between the Inuvialuit of Canada and the Inupiat of Alaska (I-I Agreement).

Response: We have corrected the text to reflect a quota of 56 bears: 35 for the United States and 21 for Canada.

48. The Service should include total harvest mortality for the SBS stock, including U.S. and Canada harvest.

Response: We included data on recent harvest as reported by Canada, which reports harvest by season rather than on annual bases.

49. The Service should explain the changes to the SBS boundary by Canada and explain how those changes affect the annual average mortalities of the SBS.

Response: We determined that information in the distribution section adequately reflects the changes of the boundary and included text to clarify the number of bears currently being harvested in Canada.

50. The Service should cite the following studies to show declines in the stock being related to sea ice loss: Bromaghin et al (2015); Rode et al. (2014); and Regehr et al. (2010).

Response: Those studies are already cited making those points.

51. The SAR states that bears in the SBS are expected to experience nutritional stress, but evidence indicates that it is already happening: Cherry et al. (2009) and Whiteman et al. (2015).

Response: The SAR states that, in general, polar bears are expected to experience nutritional stress. The section then goes on to provide evidence that bears in the SBS stock are experiencing negative effects of ice loss (e.g., Rode et al. (2014)).

52. The Service should include the Herreman and Peacock (2013) and Rogers et al. (2015) studies as evidence of increased vulnerability to conflicts with humans.

Response: We did not add the citations suggested because they do not provide evidence of increased vulnerability of conflicts with humans. However, we have added an additional statement to this effect after citations that do support this contention (e.g., Schliebe et al. (2008), Atwood et al. (2015a)).

53. The Service should cite Durner et al. (2011), Pagano et al. (2012), and Pilfold et al. (2017) as evidence of

increased long-distance swimming and mortality/physiological stress.

Response: We agree and added the references and citations to the discussion on responses to changing sea ice conditions.

54. The population estimate for the SBS stock is nearly 8 years old. If no new estimates are available in 2018, the Service should revise the SAR and indicate that the population estimate is unknown.

Response: We acknowledge the concern raised by the comment; however, we believe the population estimate of 900 animals reflects the best scientific information available for this SAR. In addition, because of possible negative biases, this population estimate is based on a cautious interpretation of trends and estimates and, therefore, we are reasonably assured that the SBS stock includes at least 900 bears. We will continue to review, on an annual basis, the status of this SAR to determine whether a revision is warranted.

55. Details on the distribution of terrestrial den sites (e.g., which barrier islands, how many sites, etc.) should be provided in tables and/or figures rather than abstracted statements like “Currently, the primary terrestrial denning areas for the SBS stock in Alaska occur on the barrier islands from Barrow to Kaktovik, and along coastal areas up to 25 miles inland, including the Arctic National Wildlife Refuge to Peard Bay, west of Barrow.”

Response: It is not possible to give a specific description of where all dens of the stock are distributed given that not every single adult female in the population has a GPS collar. As written, the existing descriptions cover the known distribution of polar bear dens. Sufficient denning habitat exists across the North Slope, so depending on snow cover in any given year, which is itself variable, anywhere within the described area could be used for denning.

56. There should be discussion in the first paragraph about the relevant management authority for the SBS stock, specifically add 1–2 sentences about the I-I Polar Bear Commission that manages the quota for the taking of polar bears in the Beaufort Sea.

Response: We determined that the SAR adequately informs the reader of this voluntary quota as written.

57. On page 6, it should be emphasized that population estimates have been difficult to obtain because the fieldwork does not correspond to the stock boundaries.

Response: We determined that the SAR adequately describes challenges associated with population estimates.

58. Although information is presented from Bromaghin et al. (2015), more data on the SBS population have been collected that are not presented in the SAR. Those data represent the best available science/information and, therefore, that information should be presented.

Response: Those data represent raw data that had not yet been analyzed at the time this SAR was developed and, in their state, they provided no additional information on the population's size.

59. The sentences on page 9 about harvest seem to conflict given their overlap in time.

Response: We are unaware of a conflict in the material as presented.

60. On page 9, in the first paragraph, it is unclear how reports from Russian scientists pertain to SBS polar bears. Explanation needed.

Response: We agree and removed reference to Russian scientists and residents of coastal Russia from the document.

61. On page 10, top paragraph, the phrase "Based on all available data . . ." is not accurate. Data were collected through 2015, and thus data should have been available from 2010 to 2014 to the PBSG. This sentence should be revised.

Response: The statement is accurate as written. The PBSG made their determination based on the available analyses on the population. While additional data have been collected on the SBS stock by the USGS, they had not yet been analyzed at the time the SAR was developed and were therefore unavailable for the PBSG to consider.

62. On page 15, the statement "Polar bears are adapted to life in a sea ice environment" is somewhat misleading. The southern populations of polar bears, such as those in Hudson Bay, Labrador, and the Bering Sea, use sea ice only when available, and turn to alternate terrestrial habitat in summer. A more factually correct statement might read, "Polar bears are adapted to life on sea ice but show significant temporal use of terrestrial habitats as well."

Response: We disagree. A primary factor that separates grizzly bears and polar bears is the adaptation of polar bears to life on sea ice. While it is true that polar bears come on land when sea ice is unavailable, if they were to stay on land indefinitely, they would not survive because they require seals hunted on sea ice to survive.

63. On page 18 there is an assertion, "Oiled polar bears are unable to effectively thermoregulate, and may be poisoned by ingestion of oil during grooming or eating contaminated prey

(St. Aubin (1990))." Polar bears are highly vulnerable to oil ingestion with subsequent fatality (Oritsland et al. (1981)). This section needs revision with appropriate literature sources.

Response: We disagree as the appropriate and important impacts to polar bears are discussed in the SARs. We have, however, updated the document to cite Øritsland et al. (1981).

References

In accordance with section 117(b)(1) of the MMPA, we include in this notice a list of the sources of information or published reports upon which we based the revised SARs. The Service consulted technical reports, conference proceedings, refereed journal publications, and scientific studies prepared or issued by Federal agencies, non-governmental organizations, and individuals with expertise in the fields of marine mammal biology and ecology, population dynamics, Alaska Native subsistence use of marine mammals, modeling, and commercial fishing technology and practices. These agencies and organizations include: The Service, the USGS, the National Oceanic and Atmospheric Administration, the National Park Service, the Arctic Institute, the North American Wildlife and Natural Resource Conference, the Marine Mammals of the Holarctic V Conference, and the Outer Continental Shelf Environmental Assessment Program. In addition, the Service consulted publications such as the Journal of Wildlife Management, Conservation Biology, Marine Mammal Science, Ecological Applications, Biological Conservation, Aquatic Mammals, Journal of Zoology, Marine Mammal Science, and other refereed journal literature, technical reports, and data sources in the development of these SARs. A complete list of citations to the scientific literature relied on for each of the two revised SARs is available by visiting the Service's Marine Mammals Management species information page at: <http://alaska.fws.gov/fisheries/mmm/reports.htm>. These citations are likewise part of each SAR and may be viewed with the documents (see ADDRESSES).

Authority

The authority for this action is the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 et al.).

Signing Authority

The Director, U.S. Fish and Wildlife Service, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication

electronically as an official document of the U.S. Fish and Wildlife Service. Martha Williams, Principal Deputy Director Exercising the Delegated Authority of the Director, U.S. Fish and Wildlife Service, approved this document on June 15, 2021, for publication.

Krista Bibb,

Acting Regulations and Policy Chief, Division of Policy, Economics, Risk Management, and Analytics, Joint Administrative Operations, U.S. Fish and Wildlife Service.

[FR Doc. 2021-13227 Filed 6-23-21; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS-HQ-PRB-2021-N017;
FXGO16621010010-FF10G13300]

Notice of Intent To Grant Exclusive License to World Wildlife Fund

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of intent.

SUMMARY: Notice is hereby given that the U.S. Fish and Wildlife Service (FWS) intends to grant to World Wildlife Fund, Inc., whose legal address is 1250 24th St. NW, Washington, DC 20037, an exclusive license to U.S. Patent No. 10,478,276, "PELLET DELIVERY MECHANISM," filed August 11, 2017, and U.S. Patent No. 10,881,493, "PELLET DELIVERY MECHANISM," filed November 19, 2019.

DATES: Comments must be received on or before July 9, 2021.

ADDRESSES: Submit comments to Jim Weiner, Assistant Solicitor, Branch of Acquisition and Intellectual Property, U.S. Department of the Interior, via email to JIM.WEINER@sol.doi.gov.

FOR FURTHER INFORMATION CONTACT: Krista Bibb, FWS Patent Liaison, by telephone at 703-358-1914 or email at krista_bibb@fws.gov.

SUPPLEMENTARY INFORMATION: The Federal Government's patent rights in these inventions are assigned to the Government of the United States of America, as represented by the Department of the Interior, Fish and Wildlife Service. It is in the public interest to license this invention to World Wildlife Fund, Inc., who has submitted a satisfactory marketing plan as co-owner of the patents. The prospective exclusive license will be royalty bearing, and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective

exclusive license may be granted unless, within 15 days after the date of this published notice (see **DATES**), the U.S. Fish and Wildlife Service receives written evidence and argument which establish that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7 (see **ADDRESSES** for submitting comments).

Authority: 35 U.S.C. 209, 37 CFR 404.7.

Signing Authority

The Director, U.S. Fish and Wildlife Service, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the U.S. Fish and Wildlife Service. Martha Williams, Principal Deputy Director Exercising the Delegated Authority of the Director, U.S. Fish and Wildlife Service, approved this document on June 21, 2021, for publication.

Anissa Craghead,

Acting Regulations and Policy Chief, Division of Policy, Economics, Risk Management, and Analytics, Joint Administrative Operations, U.S. Fish and Wildlife Service.

[FR Doc. 2021-13294 Filed 6-23-21; 8:45 am]

BILLING CODE 4333-15-P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[212A2100DD/AAKC001030/
AOA501010.999900 253G]

Advisory Board of Exceptional Children

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of meeting.

SUMMARY: The Bureau of Indian Education (BIE) is announcing that the Advisory Board for Exceptional Children (Advisory Board) will hold two separate online meetings. The purpose of the meetings are to meet the mandates of the Individuals with Disabilities Education Act of 2004 (IDEA) for Indian children with disabilities. Due to the COVID-19 pandemic and for the safety of all individuals, it will be necessary to conduct online meetings.

DATES: The first meeting will be a two-day online meeting on Wednesday, July 28, 2021 from 8 a.m. to 4 p.m. Mountain Daylight Time (MDT) and Thursday, July 29, 2021 from 8 a.m. to 4 p.m. MDT. The second meeting will be one-day online meeting on Wednesday,

September 22, 2021 from 8 a.m. to 4 p.m. MDT.

ADDRESSES: All BIE Advisory Board activities and meetings will be conducted online. See the **SUPPLEMENTARY INFORMATION** section of this notice for information on how to join the meetings. Public comments can be emailed to the DFO at Jennifer.davis@bie.edu; or faxed to (602) 265-0293 Attention: Jennifer Davis, DFO; or mailed or hand delivered to the Bureau of Indian Education, Attention: Jennifer Davis, DFO, 2600 N. Central Ave., 12th floor, Suite 250, Phoenix, AZ 85004.

FOR FURTHER INFORMATION CONTACT: Jennifer Davis, Designated Federal Officer, Bureau of Indian Education, 2600 N. Central Ave., 12th floor, Suite 250, Phoenix, AZ 85004, Jennifer.davis@bie.edu, or (202) 860-7845 or (602) 240-8597.

SUPPLEMENTARY INFORMATION: In accordance with the Federal Advisory Committee Act, the BIE is announcing the Advisory Board will hold its next two meetings online. The Advisory Board was established under the Individuals with Disabilities Act of 2004 (20 U.S.C. 1400 *et seq.*) to advise the Secretary of the Interior, through the Assistant Secretary-Indian Affairs, on the needs of Indian children with disabilities. These meetings are open to the public.

I. July 2021 Meeting of the BIE Advisory Board

A. Agenda for July Meeting

The following agenda items will be for the July 28, 2021 and July 29, 2021 meeting. The BIE Advisory Board will hear report regarding special education topics from the:

- BIE Central Office—Some questions that will be answered are: What are some of the challenges the BIE is facing regarding COVID related issues? What additional steps has the BIE taken to ensure the well-being of all students in BIE funded schools across the country? Are the schools using specific trauma informed curricula?
- BIE/Division of Performance and Accountability (DPA)/Special Education Program—Some questions that will be answered are: For graduation rates and dropout rates, what progress has been made in graduation rates for SWD as compared to students without disabilities in BIE schools? Describe the Certification of Completion for SWD?
- Miccosukee Indian School and Cheyenne Eagle Butte School—Two schools have been asked to provide their presentation by responding to several questions the Advisory Board has asked.

Some of the questions are: Considering the impact of COVID-19 in the past year, how has your school addressed challenges related to academics, learning loss, student and educator wellness, resiliency and social-emotional learning, in general for all faculty, staff, and students and for students with disability, specifically? Instruction delivery—Can you describe the current status of instructional delivery? For example, is there adequate provision of broadband access, technology, adaptive equipment required to address the student's needs and academic goals?

- BIE Office of the Director/BIE Student Health Program—Some topics that will be addressed are: Provide an overview about the BIE's Behavior Health Program (BHP), including the history, purpose of the program, staff working in the program, the location site(s), how and when the BHP program got started. Since the inception of the BIE's BHP, provide an update about the projects that have taken place and the progress of these projects.

- BIE Performance Office—Some topics that will be addressed are: Provide an update about the recent virtual monitoring for the six school sites that were monitored in spring of 2021. Describe the process of providing technical assistance to the schools, the timeline to complete the follow-up with each school; and the overall finalization of the 2020-2021 virtual monitoring.

B. Public Commenting Sessions for the July Meeting

Four Public Commenting Sessions will be provided during the July meeting days.

- On Wednesday, July 28, 2021 two sessions (15 minutes each) will be provided, 11:45 a.m. to 12 p.m. MDT and 1 p.m. to 1:15 p.m. MDT. Public comments can be provided via webinar or telephone conference call. Please use the online access codes as listed below.
- On Thursday, July 29, 2021 two sessions (15 minutes each) will be provided, 10:45 a.m. to 11 a.m. MDT and 12:30 p.m. to 12:45 p.m. MDT. Public comments can be provided via webinar or telephone conference call. Please use the online access codes as listed below.
- Public comments can also be submitted to the address listed in the **ADDRESSES** section of this notice.

C. To Access the Wednesday, July 28, 2021 and Thursday, July 29, 2021 Meeting

You can join the July meeting through any of the following means:

- *Join ZoomGov Meeting using:* <https://www.zoomgov.com/j/1603375406?pwd=Q2ZOC0dNSkVlVi8rK0xCendFNhl2dz09>
- *One tap mobile:* Meeting ID: 160 337 5406 Passcode: 343566
+16692545252,,1603375406#,,,,
*343566# US (San Jose)
+16468287666,,1603375406#,,,,
*343566# US (New York)
- *Dial by your location:* Meeting ID: 160 337 5406 Passcode: 343566
+1 669 254 5252 US (San Jose), +1 646 828 7666 US (New York)
+1 669 216 1590 US (San Jose), +1 551 285 1373 US

Find your local number: <https://www.zoomgov.com/u/abz0edJQ8o>

II. September 2021 Meeting of the BIE Advisory Board

A. Agenda for September Meeting

The following agenda items for the Wednesday, September 22, 2021 meeting are:

- BIE Advisory Board—The Board will be developing and finalizing the 2021 Annual Report between the hours of 8 a.m. to 4 p.m. MDT.

B. Public Commenting Sessions for the September Meeting

Public Commenting Sessions will be provided during the meeting.

- On Wednesday, September 22, 2021 two sessions (15 minutes each) will be provided, 11:45 a.m. to 12 p.m. MDT and 1 p.m. to 1:15 p.m. MDT. Public comments can be provided via webinar or telephone conference call. Please use the online access codes as listed below.

- Public comments can also be submitted to the address listed in the **ADDRESSES** section of this notice.

C. To Access the Wednesday, September 22, 2021 Meeting

You can join the meetings through any of the following means:

- *Join ZoomGov Meeting using:* <https://www.zoomgov.com/j/1616957886?pwd=WUphMHBGGeEZkcWtIRmhxQU4yUUIVQT09>
- *One tap mobile:* Meeting ID: 161 695 7886 Passcode: 010721
+16692545252,,1616957886#,,,,
*010721# US (San Jose)
+15512851373,,1616957886#,,,,
*010721# US
- *Dial by your location:* Meeting ID: 161 695 7886 Passcode: 010721
+1 669 254 5252 US (San Jose), +1 646 828 7666 US (New York)
+1 669 216 1590 US (San Jose), +1 551 285 1373 US

Find your local number: <https://www.zoomgov.com/u/ad8eION8TN>

Authority: 5 U.S.C. Appendix 5; 20 U.S.C. 1400 *et seq.*

Bryan Newland,

Principal Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 2021–13391 Filed 6–23–21; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[212A2100DD/AAKC001030/A0A51010.999900]

Land Acquisitions; Confederated Salish and Kootenai Tribes of the Flathead Reservation

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice announces that the Assistant Secretary—Indian Affairs has acquired all land comprising the National Bison Range, consisting of approximately 18,800.22 acres, more or less, into trust for the Confederated Salish and Kootenai Tribes of the Flathead Reservation.

DATES: This trust transfer occurred on December 27, 2020.

FOR FURTHER INFORMATION CONTACT: Ms. Sharlene M. Round Face, Bureau of Indian Affairs, Division of Real Estate Services, 1001 Indian School Road NW, Albuquerque, NM 87104, sharlene.roundface@bia.gov, (505) 563–3132.

SUPPLEMENTARY INFORMATION: This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by part 209 of the Departmental Manual, and is published in the Assistant Secretary's discretion to inform the public and provide clarity regarding title of the National Bison Range.

On the date listed in the **DATES** section of this notice, the President signed Public Law 116–260, which provides that all land comprising the National Bison Range are held in trust by the United States for the benefit of the Confederated Salish and Kootenai Tribes of the Flathead Reservation. The following land description is written in accordance with the *Specifications for Descriptions of Land: Revised 2017:*

Principal Meridian, Montana.

T. 18 N, R. 20 W,
sec. 5, lot 4, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$,
and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
secs. 6, 7, 8, 17, 18, 19, and 20;
sec. 29, N $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, and
NE $\frac{1}{4}$ SW $\frac{1}{4}$, EXCEPTING THEREFROM

Tracts A and B of Certificate of Survey No. 4432, Filed on November 13, 1990, in Lake County, MT., containing 41.54 acres, more or less;

sec. 30.

T. 19 N, R. 20 W,

sec. 31;

sec. 32,

W $\frac{1}{2}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ SW $\frac{1}{4}$.

T. 18 N, R. 21 W,

secs. 1, 2, and 3;

sec. 4, lots 1 and 2,

Warranty Deed dated June 18, 1999, filed in Missoula County, Montana on Microfilm No. 27909, Tract No. 12, more particularly described as, that portion of government lots three (3) and six (6) lying East of Montana State Highway 212, EXCEPTING that portion of Lot Three (3) conveyed to the State of Montana for State Highway Project as shown in Book 102 of Deeds, Page 477, Sanders County Records, containing 37 acres, more or less, and

Warranty Deed dated June 5, 2002, filed in Sanders County, Montana on Microfilm No. 37748, portion of Tract No. 13, more particularly described as, the East Half of the Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$) EXCEPTING THEREFROM the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 4, a strip Sixty (60.00) feet wide as described in the instrument executed by Mart Sullivan to the Northern Pacific Railway Company, dated June 25, 1917, recorded July 17, 1917, in Book 23 of Deeds, Page 281; ALSO EXCEPTING THEREFROM a strip one Hundred (100.00) feet wide as described in the instrument executed by Patrick Noon to the Northern Pacific Railway Company, dated September 29, 1916, recorded October 23, 1916, in Book 23 of Deeds, Page 123, also excepting therefrom that parcel conveyed to the state of Montana by that Bargain and Sale Deed recorded April 15, 1988, in Book 109 of Deeds, page 314, containing 79.00 acres, more or less;

sec. 9, NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$,
NE $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;

secs. 10, 11, 12, 13, 14, and 15;

sec. 16, E $\frac{1}{2}$;

sec. 21, lot 1 and NE $\frac{1}{4}$;

sec. 22, lots 1 and 4, N $\frac{1}{2}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and
SE $\frac{1}{4}$;

secs. 23 and 24;

sec. 25, lots 1 and 2, N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, and
SE $\frac{1}{4}$;

sec. 26, lot 1, N $\frac{1}{2}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$, together with a roadway-railway grade crossing, R.W. 7059, executed on March 13, 1967 across that portion of the railway company's main line right of way in the southwest quarter of the southeast quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) Section Twenty Six (26), Township Eighteen (18) North, Range Twenty One (21) West, Montana Principal Meridian, shown colored RED on the map, marked Exhibit "A", dated September 27, 1966, attached and made a part of the conveyance document; sec. 27, N $\frac{1}{2}$ NE $\frac{1}{4}$.

T. 19 N, R. 21 W,

sec. 26, Warranty Deed dated May 21, 1997, filed in Lake County, Montana on

Microfilm No. 382039, Tract No. 11, more particularly described as, those portions of the SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$ lying South of the Montana Rail Link, Inc., (formerly Burlington Northern) Railroad right-of-way, containing 26.49 acres, more or less;

sec. 27, Warranty Deed dated June 24, 1931, filed in Missoula County, Montana July 22, 1931, recorded in Volume 10 Deeds, page 192, Tract No. 3, more particularly described as, beginning at the Southeast Corner (1) of the Southwest Quarter Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) Section 27, Township Nineteen North (T19N) Range Twenty-one West (R21W) of Montana, Principal Meridian, in Lake County Montana, thence West along South line of said Section Twenty-seven, 19.02 chains (2); thence North 36°12' East, 1.45 chains (3); thence North 41°24' East, 2.39 chains (4); thence North 44°25' East, 3.21 chains (5); thence North 44°35' East, 17.59 chains (6); thence North 52° East, 2.56 chains (7); thence South, 19.34 chains, to the point of beginning (1); containing in gross 18.86 acres more or less, *excepting and reserving therefrom* approximately three fourths of one acre of said land facing 202.2 feet on the Northwesterly boundary of said land and 159 feet in depth as shown on the plat annexed to this deed, said exception being also described as follows; Beginning at a point (1) distant 8.24 chains, North 76°19' West from a post at the main gate to National Bison Range Headquarters in the exterior boundary line of the land above described between corners 1 and 7; thence North 45°25' West 2.41 chains (2), a point in the said exterior boundary line between corners 5 and 6; thence South 44°35' West with said exterior boundary line 3.06 chains (3), (from this point an iron post bears South 66°31' West 1.80 chains distant); thence South 45°25' East 2.41 chains (4); thence North 44°35' East 3.06 chains to (1) the place of beginning. After allowing for said exception the net acreage of the land hereby conveyed is 18.11 acres. EXCEPTING that portion conveyed to James E. Largent as shown on Deed, United States of America to James E. Largent dated December 12, 1990, more particularly described as those portions of Township Nineteen (19) North, Range Twenty-one (21) West, Principal Meridian Montana: In Section Twenty-seven (27), a portion of the Southwest Quarter Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) described as Parcel 1, and further described as: Commencing at the Southeast Corner of the Southwest Quarter Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 27; thence West along the South line of said Section 1255.32 feet to a point; thence N 36°12'00" E, 95.70 feet to a point; thence N 41°24'00" E, 157.74 feet to a point; thence N 44°25'00" E, 211.86 feet to a point; thence N 44°35'00" E, 169.36 feet to the true Point of Beginning; thence N 44°35'00" E, 304.56

feet to a point; thence S 46°00'16" E, 153.12 feet to a point; thence S 18°29'04" W, 127.30 feet to a point; thence S 39°48'35" W, 182.99 feet to a point; thence N 47°49'48" W, 224.54 feet to the Point of Beginning containing 1.40 acres, more or less, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$; secs. 34, 35 and 36.

The areas described aggregate 18,800.22 acres, SUBJECT TO valid existing rights.

Bryan Newland,

Principal Assistant Secretary—Indian Affairs.

[FR Doc. 2021-13221 Filed 6-23-21; 8:45 am]

BILLING CODE 4337-15-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCO956000 L14400000.BJ0000 21X]

Notice of Filing of Plats of Survey, Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of official filing.

SUMMARY: The plats of survey of the following described lands are scheduled to be officially filed in the Bureau of Land Management (BLM), Colorado State Office, Lakewood, Colorado, 30 calendar days from the date of this publication. The surveys, which were executed at the request of the U.S. Forest Service and the BLM, are necessary for the management of these lands.

DATES: Unless there are protests of this action, the plats described in this notice will be filed on July 26, 2021.

ADDRESSES: You may submit written protests to the BLM Colorado State Office, Cadastral Survey, 2850 Youngfield Street, Lakewood, CO 80215-7210.

FOR FURTHER INFORMATION CONTACT: Janet Wilkins, Chief Cadastral Surveyor for Colorado, telephone: (303) 239-3818; email: j1wilkin@blm.gov. Persons who use a telecommunications device for the deaf may call the Federal Relay Service at 1-800-877-8339 to contact Ms. Wilkins during normal business hours. The Service is available 24 hours a day, 7 days a week, to leave a message or question. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The plat, in three sheets, incorporating the field notes of the dependent resurvey and subdivision of section 16 in Township 48 North, Range 8 East, New Mexico Principal Meridian, Colorado, was accepted on February 25, 2021.

The plat, in three sheets, incorporating the field notes of the dependent resurvey and subdivision of section 22 in Township 8 South, Range 71 West, Sixth Principal Meridian, Colorado, was accepted on March 16, 2021.

The plat, in two sheets, incorporating the field notes of the dependent resurvey in Township 13 South, Range 86 West, Sixth Principal Meridian, Colorado, was accepted on March 24, 2021.

The plat incorporating the field notes of the remonumentation of certain corners in Township 8 South, Range 71 West, Sixth Principal Meridian, Colorado, was accepted on March 31, 2021.

The plat, in two sheets, incorporating the field notes of the dependent resurvey and subdivision of section 22 in Township 51 North, Range 8 East, New Mexico Principal Meridian, Colorado, was accepted on May 3, 2021.

The plat, in three sheets, incorporating the field notes of the remonumentation of certain corners in Township 49 North, Range 9 East, New Mexico Principal Meridian, Colorado, was accepted on May 20, 2021.

A person or party who wishes to protest any of the above surveys must file a written notice of protest within 30 calendar days from the date of this publication at the address listed in the **ADDRESSES** section of this notice. A statement of reasons for the protest may be filed with the notice of protest and must be filed within 30 calendar days after the protest is filed. If a protest against the survey is received prior to the date of official filing, the filing will be stayed pending consideration of the protest. A plat will not be officially filed until the day after all protests have been dismissed or otherwise resolved.

Before including your address, phone number, email address, or other personal identifying information in your protest, please be aware that your entire protest, 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: 43 U.S.C. Chap. 3)

Janet Wilkins,

Chief Cadastral Surveyor.

[FR Doc. 2021-13313 Filed 6-23-21; 8:45 am]

BILLING CODE 4310-JB-P

DEPARTMENT OF THE INTERIOR**Bureau of Land Management**[LLCAD01000 L12100000.MD0000
212L1109AF]**Notice of Public Meetings of the
California Desert District Advisory
Council****AGENCY:** Bureau of Land Management,
Interior.**ACTION:** Notice of public meetings.**SUMMARY:** In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act, the U.S. Department of the Interior, Bureau of Land Management's (BLM) California Desert District Desert Advisory Council (DAC) will meet as follows.**DATES:** The DAC will hold a virtual business meeting on Saturday, August 7, 2021, from 9 a.m. to 4:30 p.m. Public comments will be accepted at 3:15 p.m.

The DAC will conduct a field tour on Friday, October 1, 2021, from 9 a.m. to 4 p.m., followed by a business meeting on Saturday, October 2, 2021, from 9 a.m. to 4:30 p.m., with public comments accepted at 3:15 p.m.

The DAC will conduct a field tour on Friday, February 11, 2022, from 9 a.m. to 4 p.m., followed by a business meeting on Saturday, February 12, 2022, from 9 a.m. to 4:30 p.m., with public comments accepted at 3:15 p.m.

If Centers for Disease Control (CDC) COVID-19 guidelines preclude on-site meetings, the previously referenced field tour days will be cancelled, and the October 2, 2021, and February 12, 2022, business meetings will be held virtually via Zoom, both from 9 a.m. to 4:30 p.m.

ADDRESSES: The August 7 meeting will be held virtually via Zoom. The meeting link and participation instructions will be made available to the public via news media, social media, the BLM California website <https://go.usa.gov/xH8Cw>, and through personal contact 2 weeks prior to the meeting. The October 1 field tour will include visits to public land sites managed by the El Centro Field Office and the October 2 business meeting will be held at the Fairfield Inn & Suites, located at 503 E Danenberg Drive in El Centro, CA 92243. The February 11, 2022, field tour will include visits to public land sites managed by the Barstow Field Office and the February 12 business meeting will be held at the Hampton Inn and Suites, located at 2710 Lenwood Road, in Barstow, CA 92311.

Written comments pertaining to any of the above meetings can be sent to the

BLM California Desert District Office, 1201 Bird Center Drive, Palm Springs, CA 92262, Attention: Michelle Van Der Linden/DAC meeting comments.

FOR FURTHER INFORMATION CONTACT: Public Affairs Officer Michelle Van Der Linden, telephone: (951) 697-5217; email: mvanderlinden@blm.gov. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at (800) 877-8339 to contact Ms. Van Der Linden during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message. You will receive a reply during normal business hours.**SUPPLEMENTARY INFORMATION:** The DAC advises the Secretary of the Interior, through the BLM, on a variety of planning and management issues associated with public land management on BLM-managed public lands in southern California. Topics for these meetings are as follows: On August 7, 2021, the council will receive updates on Desert Renewable Energy Conservation Plan implementation, updates on the desert tortoise and public land filming permits, a recap of the off-highway vehicle season, and overviews from the District and Field offices as well as from fire and fuels operations. On October 1, 2021, the council will tour public land sites managed by the El Centro Field Office and on October 2, 2021, the council will receive updates and discuss special recreation permits, burro gathers, the Devils Canyon seasonal access, and Desert Spring Study. The members will also receive overviews from the District and Field offices as well as from fire and fuels operations. On February 11, 2022, the council will tour public land sites managed by the Barstow Field Office and on February 12, 2022, the council will receive updates and discuss renewable energy projects, mining projects, monument planning, and law enforcement coordination. The members will also receive overviews from the District and Field offices as well as from fire and fuels operations, and followed by an off-highway vehicle update.All meetings are open to the public. Each formal council meeting will have time allocated for public comments. Depending on the number of persons wishing to speak and the time available, the amount of time for oral comments may be limited. Written public comments may be sent to the BLM California Desert District Office listed in the **ADDRESSES** section of this notice. All comments received will be provided to the DAC.**Public Disclosure 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 in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Members of the public are welcome on field tours but must provide their own transportation and meals. Individuals who plan to attend and need special assistance, such as sign language interpretation and other reasonable accommodations, should contact the BLM (see **FOR FURTHER INFORMATION CONTACT**). Meetings and field tours will follow current CDC COVID-19 guidance regarding social distancing and wearing of masks.

Detailed meeting minutes for the DAC meetings will be maintained by the BLM California Desert District Office. Minutes will also be posted to the BLM California DAC web page.

(Authority: 43 CFR 1784.4-2)

Erica St. Michel,*Deputy State Director, Communications.*

[FR Doc. 2021-13351 Filed 6-23-21; 8:45 am]

BILLING CODE 4310-40-P**DEPARTMENT OF THE INTERIOR****Bureau of Land Management**[LLHQ310000.L13100000.PP0000; OMB
Control No. 1004-0137]**Agency Information Collection
Activities; Onshore Oil and Gas
Operations and Production****AGENCY:** Bureau of Land Management,
Interior.**ACTION:** Notice of information collection;
request for comment.**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, the Bureau of Land Management (BLM) proposes to renew an information collection.**DATES:** Interested persons are invited to submit comments on or before August 23, 2021.**ADDRESSES:** Send your written comments on this information collection request (ICR) by mail to Darrin King, Information Collection Clearance Officer, U.S. Department of the Interior, Bureau of Land Management, Attention PRA Office, 440 W 200 S #500, Salt Lake City, UT 84101; or by email to BLM_HQ_PRA_Comments@blm.gov. Please reference

Office of Management and Budget (OMB) Control Number 1004–0137 in the subject line of your comments. Please note that due to COVID–19, the electronic submission of comments is recommended.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Jennifer Spencer by email at j35spenc@blm.gov, or by telephone at 202–912–7146. Individuals who are hearing or speech impaired may call the Federal Relay Service at 1–800–877–8339 for TTY assistance. You may also view the ICR at <http://www.reginfo.gov/public/do/PRAMain>.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), all information collections require approval under the PRA. We may not conduct or sponsor, and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number,

email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: Under the below listed Federal and Indian mineral leasing statutes authorize the BLM to grant and manage onshore oil and gas leases on Federal and Indian (except Osage Tribe) lands:

- Chapter 3A, Subchapter I of the Mineral Leasing Act, 30 U.S.C. 181–196;
- Chapter 3A, Subchapter IV of the Mineral Leasing Act, 30 U.S.C. 223–236b;
- The Mineral Leasing Act for Acquired Lands, 30 U.S.C. 351–360;
- The Federal Oil and Gas Royalty Management Act, 30 U.S.C. 1701–1759; and
- The Federal Land Policy and Management Act, 43 U.S.C. 1701–1787.

In order to fulfill its responsibilities under these statutes, the BLM needs to perform the information collection (IC) activities set forth in the regulations at 43 CFR parts 3160 and 3170, and in onshore oil and gas orders promulgated in accordance with 43 CFR 3164.1. The BLM plans to request that OMB renew this OMB Control Number of an additional three years.

Title of Collection: Onshore Oil and Gas Operations and Production (43 CFR parts 3160 and 3170).

OMB Control Number: 1004–0137.

Form Numbers: BLM Form 3160–003; BLM Form 3160–004; and BLM Form 3160–005.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Oil and gas operators on public lands and some Indian lands.

Total Estimated Number of Annual Respondents: 7,500.

Total Estimated Number of Annual Responses: 301,663.

Estimated Completion Time per Response: Varies from 45 minutes to 40 hours, depending on activity.

Total Estimated Number of Annual Burden Hours: 1,835,888.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion; One-time; and Monthly.

Total Estimated Annual Nonhour Burden Cost: \$29,370,000.

An agency may not conduct or sponsor and, notwithstanding any other

provision of law, a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Darrin A. King,

Information Collection Clearance Officer.

[FR Doc. 2021–13367 Filed 6–23–21; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWO260000. L10600000PC0000.21X. LXSIADVSD00. 241A]

Call for Nominations for the National Wild Horse and Burro Advisory Board

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of call for nominations.

SUMMARY: The purpose of this notice is to solicit public nominations for three positions on the Wild Horse and Burro Advisory Board (Board) that will become vacant on September 20, 2021. The Board provides advice concerning the management, protection, and control of wild free-roaming horses and burros on public lands administered by the Department of the Interior, through the Bureau of Land Management, and the Department of Agriculture, through the U.S. Forest Service.

DATES: Nominations must be post marked or submitted to the following addresses no later than July 26, 2021.

ADDRESSES: All mail sent via the U.S. Postal Service should be addressed as follows:

Wild Horse and Burro Division, U.S. Department of the Interior, Bureau of Land Management, Attn: Dorothea Boothe, HQ–260, 9828 N 31st Avenue, Phoenix, AZ 85051.

All packages that are sent via FedEx or UPS should be addressed as follows: U.S. Department of the Interior, Bureau of Land Management, Wild Horse and Burro Division, Attn: Dorothea Boothe (HQ–260), 9828 N 31st Avenue, Phoenix, AZ 85051. Please consider emailing PDF documents to Ms. Boothe at dboothe@blm.gov.

FOR FURTHER INFORMATION CONTACT: Dorothea Boothe, Wild Horse and Burro Program Coordinator, telephone: 602–906–5543, email: dboothe@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 Ms. Boothe during normal business hours. The FRS is

available 24 hours a day, 7 days a week. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: Members of the Board serve without compensation; however, while away from their homes or regular places of business, Board and subcommittee members engaged in Board or subcommittee business, approved by the Designated Federal Officer (DFO), may be allowed travel expenses, including per diem in lieu of subsistence under 5 U.S.C. 5703, in the same manner as persons employed intermittently in government service. Nominations for a term of 3 years are needed to represent the following categories of interest:

- Public Interest (with special knowledge of Natural Resource Management);
- Veterinary Medicine; and
- Wild Horse and Burro Advocacy.

The Board will meet one to four times annually. The DFO may call additional meetings in connection with special needs for advice. Individuals may nominate themselves or others. Any individual or organization may nominate one or more persons to serve on the Board.

Nominations should include a resume providing adequate description of the nominee's qualifications, including information that would enable the Department of the Interior to make an informed decision regarding meeting the membership requirements of the Board and permit the Department of the Interior to contact a potential member. Nominations are to be sent to the address listed under **ADDRESSES**.

As appropriate, certain Board members may be appointed as Special Government Employees (SGEs). Please be aware that applicants selected to serve as SGEs will be required, prior to appointment, to file a Confidential Financial Disclosure Report in order to avoid involvement in real or apparent conflicts of interest. You may find a copy of the Confidential Financial Disclosure Report at the following website: <https://www.doi.gov/ethics/oge-form-450>. Additionally, after appointment, members appointed as SGEs will be required to meet applicable financial disclosure and ethics training requirements. Please contact (202) 202-208-7960 or DOI_Ethics@sol.doi.gov with any questions about the ethics requirements for members appointed as SGEs.

Membership Selection: Individuals shall qualify to serve on the Board because of their education, training, or experience that enables them to give informed and objective advice regarding

the interest they represent. They should demonstrate experience or knowledge of the area of their expertise and a commitment to collaborate in seeking solutions to resource management issues. The Board is structured to provide fair membership and balance, both geographic and interest specific, in terms of the functions to be performed and points of view to be represented. Members are selected with the objective of providing representative counsel and advice about public land and resource planning. No person is to be denied an opportunity to serve because of race, age, sex, sexual orientation, religion, or national origin.

Pursuant to Section 7 of the Wild Free-Roaming Horses and Burros Act, members of the Board cannot be employed by the Federal Government or a State government.

(Authority: 43 CFR 1784.4-1)

David Jenkins,

Assistant Director, Resources and Planning.
[FR Doc. 2021-13357 Filed 6-23-21; 8:45 am]

BILLING CODE 4310-84-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCAN01000 L07772100.XZ0000 212L1109AF]

Notice of Public Meetings, Northern California District Resource Advisory Council

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meetings.

SUMMARY: In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act, the U.S. Department of the Interior, Bureau of Land Management's (BLM) Northern California District Resource Advisory Council (RAC) will meet as follows.

DATES: The RAC will conduct a field tour on Thursday, Aug. 26, 2021, from 10 a.m. to 4 p.m. The RAC will hold a business meeting on Friday, Aug. 27, 2021, from 8 a.m. to noon, with public comments accepted at 11 a.m.

The RAC will also conduct a field tour on Thursday, Oct. 7, 2021, from 10 a.m. to 4 p.m. It will hold a business meeting on Friday, Oct. 8, 2021, from 8 a.m. to noon, with public comments accepted at 11 a.m.

The field tours and meetings are open to the public.

ADDRESSES: If Centers for Disease Control (CDC) COVID-19 guidelines continue to preclude on-site meetings,

the field-tour days will be cancelled and the Friday, Aug. 27 and Friday, Oct. 8 meetings will be held virtually via Zoom. Meeting links and participation instructions will be made available to the public via news media, social media, the BLM California website blm.gov/get-involved/rac/California/northern-california-rac, and through personal contact 2 weeks prior to the meeting. The Aug. 26 and 27 field tour and meeting will be held at the BLM Arcata Field Office, 1695 Heindon Road, Arcata, CA. The Oct. 7 and 8 field tour and meeting will be held at the BLM Redding Field Office, 6640 Lockheed Drive, Redding, CA.

Written comments pertaining to any of the meetings can be sent to the BLM Northern California District Office, 6640 Lockheed Drive, Redding, CA 96002, Attention: RAC meeting comments.

FOR FURTHER INFORMATION CONTACT: Public Affairs Officer Joseph J. Fontana, telephone: (530) 260-0189, email: jfontana@blm.gov. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at (800) 877-8339 to contact Mr. Fontana during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The Northern California District RAC advises the Secretary of the Interior, through the BLM, on a variety of planning and management issues associated with BLM-managed public lands in northern California and far northwest Nevada. Topics for these meetings are as follows:

- *Aug. 26-27:* On Aug. 26, the RAC will tour public-land sites that would be affected by the Northwest California Integrated Resource Management Plan (NCIP), which is under development. On Aug. 27, the RAC will hear a report on NCIP planning alternatives and determine whether to make a recommendation to the BLM about any of these alternatives. The RAC will also hear a report on wild horse and burro management actions in the district.

- *Oct. 7 and 8:* On Oct. 7, the RAC will tour public-land sites managed by the Redding Field Office and discuss how the NCIP would apply to the areas. On Oct. 8, the RAC will provide comments for the NCIP, discuss the planning schedule and the BLM's publication of a Notice of Intent to prepare an environmental impact statement associated with development of the NCIP.

All meetings are open to the public. Each RAC meeting will have time

allocated for public comments. Depending on the number of persons wishing to speak and the time available, the amount of time for oral comments may be limited. Written public comments may be sent to the BLM Northern California District Office at the address listed in the **ADDRESSES** section of this notice. All comments received will be provided to the RAC.

Public Disclosure 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.

Members of the public are welcome on field tours but must provide their own transportation and meals. Individuals who plan to attend and need special assistance, such as sign language interpretation and other reasonable accommodations, should contact the BLM (see **FOR FURTHER INFORMATION CONTACT**). Meetings and field tours will follow current CDC COVID-19 guidance regarding social distancing and wearing of masks.

Detailed meeting minutes for the RAC meetings will be maintained in the BLM Northern California District Office. Minutes will also be posted to the BLM California RAC web page.

Authority: 43 CFR 1784.4-2.

Erica St. Michel,

Deputy State Director, Communications.

[FR Doc. 2021-13358 Filed 6-23-21; 8:45 am]

BILLING CODE 4310-40-P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS-WASO-NRNL-DTS#-32139;
PPWOCRADIO, 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 12, 2021, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted electronically by July 9, 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 12, 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:

COLORADO

Custer County

Holdsworth House-Aspenholme-Pines Lodge, 379 Chalice Dr., Westcliffe vicinity, SG100006742

Denver County

Eleventh Avenue Hotel, 1112 Broadway St., Denver, SG100006741

CONNECTICUT

New London County

Uncasville Mill Historic District, 42, 46 Pink Row; 3-35 Crescent St. (odd #s), 5-19 Blumenthal Dr. (odd #s), 362 CT 32, Montville, SG100006732

GEORGIA

Burke County

Girard Elementary School, 9691 GA 23 South, Girard vicinity, SG100006735

Lowndes County

Hahira Commercial Historic District, Centered on Main St. (GA 122) between Marshall St. and Church St. (US 41), Hahira, SG100006746

IOWA

Polk County

St. Anthony's Church, 15 Indianola Rd., Des Moines, SG100006734

NEW JERSEY

Hunterdon County

Milford Historic District, Bridge, Carpenter, Church, Spring Garden, Green, and Maple Sts., Milford Borough, SG100006744

Somerset County

Harlingen Historic District, Van Horne, Dutchtown Harlingen, and Harlingen Rds., Montgomery Township, SG100006743

PENNSYLVANIA

Bucks County

Milford Historic District, Bridge, Carpenter, Church, Spring Garden, Green, and Maple Sts., Bridgeton Township, SG100006744

WEST VIRGINIA

Hancock County

Dunbar Recreation Center, 300 Kessell St., Weirton, SG100006740

WISCONSIN

Monroe County

Sparta High School, 201 East Franklin St., Sparta, SG100006747

Additional documentation has been received for the following resources:

NORTH CAROLINA

Pasquotank County

Elizabeth City Historic District (Additional Documentation), Irregular pattern along Main St., Elizabeth City, AD77001007

VIRGINIA

Caroline County

Meadow, The, Historic District (Additional Documentation), 13111 Dawn Blvd., Doswell, AD15000276

Washington County

Baker-St. John House (Additional Documentation), 18254 Providence Rd., Abingdon vicinity, AD11000033

Authority: Section 60.13 of 36 CFR part 60.

Dated: June 15, 2021.

Sherry A. Frear,

*Chief, National Register of Historic Places/
National Historic Landmarks Program.*

[FR Doc. 2021-13220 Filed 6-23-21; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR**Bureau of Ocean Energy Management****[Docket No. BOEM–2021–0038]****Notice of Intent To Prepare an Environmental Impact Statement for Empire Offshore Wind, LLC's Proposed Wind Energy Facilities Offshore New York****AGENCY:** Bureau of Ocean Energy Management, Interior.**ACTION:** Notice of intent to prepare an environmental impact statement.

SUMMARY: Consistent with the regulations implementing the National Environmental Policy Act (NEPA), the Bureau of Ocean Energy Management (BOEM) announces its intent to prepare an environmental impact statement (EIS) for the review of a construction and operations plan (COP) submitted by Empire Offshore Wind, LLC (Empire). The COP proposes the construction and operation of two wind energy facilities offshore New York with two export cable routes and up to three export cable landfalls in New York. This notice of intent (NOI) announces the EIS scoping process for the Empire Wind COP. Additionally, this NOI seeks public comment and input under section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations. Detailed information about the proposed wind energy facilities, including the COP, can be found on BOEM's website at: <https://www.boem.gov/Empire-Wind/>.

DATES: Comments should be submitted no later than July 26, 2021.

BOEM will hold virtual public scoping meetings for the Empire Wind EIS at the following dates and times (Eastern):

- Wednesday, June 30, 2021, 5:00 p.m.;
- Thursday, July 8, 2021, 5:00 p.m.; and
- Tuesday, July 13, 2021, 1:00 p.m.

Registration for the virtual public meetings may be completed here: <https://www.boem.gov/Empire-Wind-Scoping-Virtual-Meetings> or by calling (703) 787–1015.

ADDRESSES: Comments can be submitted in any of the following ways:

- Delivered by mail or delivery service, enclosed in an envelope labeled "Empire Wind COP EIS," and addressed to Program Manager, Office of Renewable Energy, Bureau of Ocean Energy Management, 45600 Woodland Road, Sterling, Virginia 20166, or
- Through the [regulations.gov](https://www.regulations.gov) web portal: Navigate to <http://www.regulations.gov> and search for Docket No. BOEM–2021–0038. Click on

the "Comment" button. Enter your information and comment, then click "Submit Comment."

FOR FURTHER INFORMATION CONTACT: Michelle Morin, BOEM Office of Renewable Energy Programs, 45600 Woodland Road, Sterling, Virginia 20166, (703) 787–1722 or michelle.morin@boem.gov.

SUPPLEMENTARY INFORMATION:**Purpose and Need for the Proposed Action**

In Executive Order 14008, President Biden stated that it is the policy of the United States "to organize and deploy the full capacity of its agencies to combat the climate crisis to implement a Government-wide approach that reduces climate pollution in every sector of the economy; increases resilience to the impacts of climate change; protects public health; conserves our lands, waters, and biodiversity; delivers environmental justice; and spurs well-paying union jobs and economic growth, especially through innovation, commercialization, and deployment of clean energy technologies and infrastructure."

Through a competitive leasing process under 30 CFR 585.211, Empire was awarded Renewable Energy Lease OCS–A 0512 covering an area offshore New York (the Lease Area). Empire has the exclusive right to submit a COP for activities within the Lease Area, and it has submitted a COP to BOEM proposing the construction and installation, operations and maintenance, and conceptual decommissioning of two separate offshore wind energy facilities in the Lease Area (the Projects).

The goal of Empire is to develop two commercial-scale, offshore wind energy facilities in the Lease Area (Empire Wind 1 and Empire Wind 2). The individual projects within the Lease Area will be electrically isolated and constructed independently from each other. Each project will connect to the grid via separate offshore substations to separate points of interconnection at onshore locations by way of separate export cable routes and onshore substations. The Projects would contribute to New York's goal of 9 gigawatts of offshore wind energy generation by 2035, as outlined in the Climate Leadership and Community Project Act, signed on July 18, 2019. Furthermore, Empire's goal to construct and operate commercial-scale, offshore wind energy facilities in the Lease Area is intended to fulfill the New York State Energy Research and Development Authority (NYSERDA) July 18, 2019,

solicitation award for the 816-megawatt (MW) Empire Wind 1 Project and the January 13, 2021, solicitation award for the 1,260–MW Empire Wind 2 Project.

Based on the goals of the applicant and BOEM's authority, the purpose of BOEM's action is to respond to Empire's COP proposal and determine whether to approve, approve with modifications, or disapprove Empire's COP to construct and install, operate and maintain, and decommission two commercial-scale, offshore wind energy facilities within the Lease Area (the Proposed Action). BOEM's action is needed to further the United States policy to make Outer Continental Shelf energy resources available for expeditious and orderly development, subject to environmental safeguards (43 U.S.C. 1332(3)), including consideration of natural resources, safety of navigation, and existing ocean uses.

In addition, the National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) anticipates receipt of one or more requests for authorization to take marine mammals incidental to activities related to the Project pursuant to the Marine Mammal Protection Act (MMPA). NMFS's issuance of an MMPA incidental take authorization is a major Federal action and, in relation to BOEM's action, is considered a connected action (40 CFR 1501.9(e)(1)). The purpose of the NMFS action—which is a direct outcome of the proponent's request for authorization to take marine mammals incidental to specified activities associated with the Project (e.g., pile driving)—is to evaluate the applicant's request pursuant to specific requirements of the MMPA and its implementing regulations administered by NMFS, considering impacts of the applicant's activities on relevant resources, and if appropriate, issue the permit or authorization. NMFS needs to render a decision regarding the request for authorization due to NMFS' responsibilities under the MMPA (16 U.S.C. 1371(a)(5)(A and D)) and its implementing regulations. If NMFS makes the findings necessary to issue the requested authorization, NMFS intends to adopt this EIS to support that decision and fulfill its NEPA requirements.

The U.S. Army Corps of Engineers (USACE) Philadelphia District anticipates a permit action to be undertaken through authority delegated to the District Engineer by 33 CFR 325.8, under section 10 of the Rivers and Harbors Act of 1899 (RHA) (33 U.S.C. 403) and section 404 of the Clean Water Act (CWA) (33 U.S.C. 1344). The USACE considers issuance of a permit

under these two delegated authorities a major Federal action connected to BOEM's proposed action (40 CFR 1501.9(e)(1)). The purpose and need for the project as provided by the applicant in the COP and reviewed by USACE for NEPA purposes: The purpose of the Project is to generate renewable electricity from an offshore wind farm located in the Lease Area. The Project addresses the need identified by New York for renewable energy and will help the State of New York Public Service Commission achieve its renewable energy goals.

The basic project purpose, as determined by USACE for section 404(b)(1) guidelines evaluation, is offshore wind energy generation. The overall project purpose for section 404(b)(1) guidelines evaluation, as determined by USACE, is the construction and operation of a commercial-scale offshore wind energy project for renewable energy generation and distribution to the New York energy grid. USACE intends to adopt BOEM's EIS to support its decision on any permits requested under section 10 of the RHA or section 404 of the CWA.

Preliminary Proposed Action and Alternatives

The Proposed Action is the construction and operation of two wind energy facilities, as described in the COP submitted by Empire on the area covered by Lease OCS-A 0512. In its COP, Empire is proposing to develop the Lease Area as two individual projects, known as Empire Wind 1 and Empire Wind 2. Empire Wind 1 and Empire Wind 2 would be electrically isolated and independent from each other and would connect to the New York electrical grid via offshore substations to separate onshore locations by way of separate export cable routes and onshore substations.

Together, the Projects would involve the construction and operation of up to 174 wind turbine generators, two offshore substations, inter-array cables, up to three submarine export cable routes, up to three export cable landfalls that connect to onshore export cable systems, and two onshore substations providing connection to the existing electrical grid in New York. The wind turbine generator foundations may be monopiles, gravity base structures with associated support and access structures, or some combination of the two. The wind turbine generators, offshore substations, foundations, and inter-array cables would be located within the Lease Area on the Outer Continental Shelf, approximately 14 statute miles (12 nautical miles) south of

Long Island, New York, and 19.5 statute miles (16.9 nautical miles) east of Long Branch, New Jersey. The offshore export cables would be buried below the seabed. The onshore export cables would connect to two onshore substations in Brooklyn, New York, and Oceanside, New York.

In addition to the Proposed Action and the no action alternative (*i.e.*, disapproval of the COP), potential alternatives that the draft EIS could analyze include approving the COP with some no-surface occupancy areas within the Lease Area, navigation corridors or buffers within the Lease Area, time of year restrictions for construction, and other possible reasonable alternatives. Reasonable alternatives identified during the scoping period will be evaluated in the draft EIS.

Once BOEM completes the EIS and associated consultations, BOEM will decide whether to approve, approve with modification, or disapprove Empire's COP. If BOEM approves the COP and the Projects are constructed, the lessee must submit a plan to decommission the facilities before the end of the lease term.

Summary of Potential Impacts

The draft EIS will identify and describe the potential effects of the Proposed Action on the human environment that are reasonably foreseeable and have a reasonably close causal relationship to the Proposed Action. This includes such potential effects that occur at the same time and place as the Proposed Action or alternatives and such potential effects that are later in time or occur in a different place. Potential impacts include, but are not limited to, impacts (both beneficial and adverse) to air quality, water quality, bats, benthic habitat, essential fish habitat, invertebrates, finfish, birds, marine mammals, terrestrial and coastal habitats and fauna, sea turtles, wetlands and other waters of the United States, commercial fisheries and for-hire recreational fishing, cultural resources, demographics, employment, economics, environmental justice, land use and coastal infrastructure, navigation and vessel traffic, other marine uses, recreation and tourism, and visual resources. The effects of these potential impacts will be analyzed in the draft and final EIS.

Based on a preliminary evaluation of these resources, BOEM expects potential impacts to sea turtles and marine mammals from underwater noise caused by construction and from collisions with Projects-related vessel traffic. Structures that Empire would install

could permanently change benthic habitat and other fish habitat. Commercial fisheries and for-hire recreational fishing may be impacted. Project structures above the water may affect the visual character that defines historic properties and recreation and tourism areas. Project structures would pose an allision and height hazard to vessels passing close by, and vessels would in turn pose a hazard to the structures. Additionally, the Projects may adversely impact military use, air traffic, land-based radar services, cables and pipelines, scientific surveys, and any future mineral extraction. Beneficial impacts are also expected by facilitating achievement of State renewable energy goals, increased job opportunities, improving air quality, and reduced carbon emissions. The EIS will analyze measures that would avoid, minimize, or otherwise mitigate potential environmental effects.

Anticipated Permits and Authorizations

In addition to the requested COP approval, various other Federal, State, and local authorizations will be required for the Projects. In addition to those previously discussed (*i.e.*, NEPA, NHPA, MMPA, RHA, and CWA), other applicable Federal laws include the Endangered Species Act, Magnuson-Stevens Fishery Conservation and Management Act, and Coastal Zone Management Act. BOEM will also conduct government-to-government consultations with federally recognized Tribes (Tribes). For a full listing of regulatory requirements applicable to the Projects, please see the COP, volume I available at <https://www.boem.gov/Empire-Wind/>.

BOEM has chosen to utilize the NEPA substitution process to fulfill its obligations under NHPA. While BOEM's obligations under NHPA and NEPA are independent, the regulations implementing NHPA allow the use of NEPA review to substitute for various aspects of NHPA's section 106 (54 U.S.C. 306108) review to improve efficiency, promote transparency and accountability, and support a broadened discussion of potential effects that a project may have on the human environment. As provided in 36 CFR 800.8(c), the NEPA process and documentation required for preparation of an EIS and record of decision (ROD) can be used to fulfill a lead Federal agency's NHPA section 106 review obligations in lieu of the procedures set forth in 36 CFR 800.3 through 800.6. During preparation of the EIS, BOEM will ensure that the NEPA substitution process will meet its NHPA obligations

in a manner that fully implements this alternative process.

Schedule for the Decision-Making Process

After the draft EIS is completed, BOEM will publish a notice of availability (NOA) and request public comments on the draft EIS. BOEM expects to issue the NOA in August 2022. After the public comment period ends, BOEM will review and respond to comments received and will develop the final EIS. BOEM expects to make the final EIS available to the public in April 2023. A ROD will be completed no sooner than 30 days after the final EIS is released, in accordance with 40 CFR 1506.11.

Scoping Process: This NOI begins the public scoping process for identifying issues and potential alternatives for consideration in the Empire Wind EIS. The scoping process is intended to provide all those interested, including Federal agencies, Tribes, State and local governments, industry, non-governmental organizations, and the general public, with an opportunity to provide information they consider appropriate for BOEM to consider. BOEM is very interested in information that will help it determine significant resources and issues, impact-producing factors, reasonable alternatives (*e.g.*, size, geographic, seasonal, or other restrictions on construction and siting of facilities and activities), and potential mitigation measures to be analyzed in the EIS.

In the interests of efficiency, completeness, and facilitating public involvement, BOEM will use the NEPA process to fulfill NHPA's public involvement requirements under 36 CFR 800.2(d). BOEM will consider all written requests from individuals or organizations to participate as consulting parties under NHPA and, as discussed below, will determine who among those parties will be a consulting party in accordance with NHPA regulations.

BOEM will hold virtual public scoping meetings for the Empire Wind EIS at the following dates and times (eastern):

- Wednesday, June 30, 2021, 5:00 p.m.;
- Thursday, July 8, 2021, 5:00 p.m.; and
- Tuesday, July 13, 2021, 1:00 p.m.

Registration for the virtual public meetings may be completed here: <https://www.boem.gov/Empire-Wind-Scoping-Virtual-Meetings> or by calling (703) 787-1015.

NEPA Cooperating Agencies: BOEM invites other Federal agencies, Tribes, and State and local governments to

consider becoming cooperating agencies in the preparation of this EIS. The Council on Environmental Quality's (CEQ) NEPA regulations specify that qualified agencies and governments are those with "jurisdiction by law or special expertise." Potential cooperating agencies should consider their authority and capacity to assume the responsibilities of a cooperating agency and should be aware that an agency's role in the environmental analysis neither enlarges nor diminishes the final decision-making authority of any other agency involved in the NEPA process.

Upon request, BOEM will provide potential cooperating agencies with a written summary of expectations for cooperating agencies, including time schedules, milestones, responsibilities, scope and detail of cooperating agencies' contributions, and availability of pre-decisional information. BOEM anticipates this summary will form the basis for a memorandum of agreement between BOEM and any non-Department of the Interior cooperating agency. Agencies also should consider the factors for determining cooperating agency status in CEQ's memorandum entitled "Cooperating Agencies in Implementing the Procedural Requirements of the National Environmental Policy Act," dated January 30, 2002. This document is available at: http://energy.gov/sites/prod/files/nepapub/nepa_documents/RedDont/G-CEQ-CoopAgenciesImplem.pdf.

BOEM, as the lead agency, will not provide financial assistance to cooperating agencies. Even if a governmental entity is not a cooperating agency, it will have opportunities to provide information and comments to BOEM during the public input stages of the NEPA process.

NHPA Consulting Parties: Certain individuals and organizations with a demonstrated interest in the Projects may request to participate as NHPA consulting parties under 36 CFR 800.2(c)(5) based on their legal or economic stake in historic properties affected by the Projects. Additionally, the same provision allows those with concerns about the Projects' effect on historic properties to request to be consulting parties.

Before issuing this NOI, BOEM compiled a list of potential consulting parties and invited them in writing to become consulting parties. To become a consulting party, those invited must respond in writing, preferably by the requested response date.

Interested individuals or organizations that did not receive an invitation may request to be consulting

parties by writing to the appropriate staff at ICF, which is supporting BOEM in its administration of this review. ICF's contact for this review is January Tavel at EmpireWindSection106@icf.com or (415) 677-7107. BOEM will determine which interested parties should be consulting parties.

Comments: Federal agencies, Tribes, State and local governments, and other interested parties are requested to comment on the scope of this EIS, significant issues that should be addressed, and alternatives that should be considered. For information on how to submit comments, see the **ADDRESSES** section above.

BOEM does not consider anonymous comments. Please include your name and address as part of your comment. BOEM makes all comments, including the names, addresses, and other personally identifiable information included in the comment, available for public review online. Individuals may request that BOEM withhold their names, addresses, and other personally identifiable information from the public record; however, BOEM cannot guarantee that it will be able to do so. For BOEM to withhold from disclosure your personally identifiable information, you must identify any information contained in your comment that, if released, would constitute a clearly unwarranted invasion of your privacy. You also must briefly describe any possible harmful consequences of the disclosure of information, such as embarrassment, injury, or other harm. All submissions from organizations or businesses and from individuals identifying themselves as representatives or officials of organizations or businesses will be made available for public inspection in their entirety.

Request for Identification of Potential Alternatives, Information, and Analyses Relevant to the Proposed Action

BOEM requests information on the Proposed Action, including data, comments, views, information, analysis, alternatives, or suggestions from Federal agencies, Tribes, State and local governments, the scientific community, industry, interested parties, and members of the public. Specifically:

1. Potential effects that the Proposed Action could have on biological resources, including bats, birds, coastal fauna, finfish, invertebrates, essential fish habitat, marine mammals, and sea turtles.

2. Potential effects that the Proposed Action could have on physical resources such as air or water (including

wetlands), particularly air and water quality.

3. Potential effects that the Proposed Action could have on socioeconomic and cultural resources, including commercial fisheries and for-hire recreational fishing, demographics, employment, economics, environmental justice, land use and coastal infrastructure, navigation and vessel traffic, other uses (marine minerals, military use, aviation), recreation and tourism, and scenic and visual resources.

4. Other possible reasonable alternatives to the Proposed Action that BOEM should consider, including additional or alternative avoidance, minimization, and mitigation measures.

5. As part of its compliance with NHPA section 106 and its implementing regulations (36 CFR part 800), BOEM seeks public comment and input from consulting parties regarding the identification of historic properties within the Proposed Action's area of potential effects and the potential effects to those historic properties from the activities proposed under the COP. BOEM also solicits proposed measures to avoid, minimize, or otherwise mitigate any adverse effects on historic properties. Consistent with confidentiality requirements, BOEM will present available information regarding known historic properties during the public scoping period. BOEM's effects analysis for historic properties will be available for public and consulting party comment in the draft EIS.

6. Information on other current or planned activities in or near the Proposed Action and possible impacts on the Projects or the Projects' impacts on those activities.

7. Other information relevant to the Proposed Action and its impacts on the human environment.

To promote informed decision-making, comments should be as specific as possible and should provide as much detail as necessary to meaningfully participate and fully inform BOEM of the commenter's position. Comments should explain why the issues raised are important to the consideration of potential environmental impacts and alternatives to the Proposed Action as well as economic, employment, and other impacts affecting the quality of the human environment.

The draft EIS will include a summary of all alternatives, information, and analyses submitted by federal agencies, Tribes, State and local governments, and other public entities during the scoping process for consideration by BOEM and the cooperating agencies.

Authority: This NOI is published in accordance with NEPA, 42 U.S.C. 4321 *et seq.* and 40 CFR 1501.9.

William Yancey Brown,
Chief Environmental Officer, Bureau of Ocean Energy Management.

[FR Doc. 2021-13408 Filed 6-23-21; 8:45 am]

BILLING CODE 4310-MR-P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731-TA-1550-1553 (Final)]

Polyester Textured Yarn From Indonesia, Malaysia, Thailand, and Vietnam; Scheduling of the Final Phase of Antidumping Duty Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of the final phase of antidumping investigation Nos. 731-TA-1550-1553 (Final) pursuant to the Tariff Act of 1930 ("the Act") to determine whether an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of polyester textured yarn from Indonesia, Malaysia, Thailand, and Vietnam, provided for in subheadings 5402.33.30 and 5402.33.60 of the Harmonized Tariff Schedule of the United States, preliminarily determined by the Department of Commerce ("Commerce") to be sold at less-than-fair-value.

DATES: June 3, 2021.

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 persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its internet server (<https://www.usitc.gov>). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION:

Scope.—For purposes of these investigations, Commerce has defined

the subject merchandise as "polyester textured yarn, is synthetic multifilament yarn that is manufactured from polyester (polyethylene terephthalate). Polyester textured yarn is produced through a texturing process, which imparts special properties to the filaments of the yarn, including stretch, bulk, strength, moisture absorption, insulation, and the appearance of a natural fiber. This scope includes all forms of polyester textured yarn, regardless of surface texture or appearance, yarn density and thickness (as measured in denier), number of filaments, number of plies, finish (luster), cross section, color, dye method, texturing method, or packaging method (such as spindles, tubes, or beams)."

Background.—The final phase of these investigations is being scheduled, pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)), as a result of affirmative preliminary determinations by Commerce that imports of polyester textured yarn from Indonesia, Malaysia, Thailand, and Vietnam are being sold in the United States at less than fair value within the meaning of § 733 of the Act (19 U.S.C. 1673b). The investigations were requested in petitions filed on October 28, 2020, by Nan Ya Plastics Corp. America, Lake City, South Carolina and Unifi Manufacturing, Inc., Greensboro, North Carolina.

For further information concerning the conduct of this phase of the investigations, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

Participation in the investigations and public service list.—Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the final phase of these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules, no later than 21 days prior to the hearing date specified in this notice. A party that filed a notice of appearance during the preliminary phase of the investigations need not file an additional notice of appearance during this final phase. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

Please note the Secretary's Office will accept only electronic filings during this

time. Filings must be made through the Commission's Electronic Document Information System (EDIS, <https://edis.usitc.gov>). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in the final phase of these investigations available to authorized applicants under the APO issued in the investigations, provided that the application is made no later than 21 days prior to the hearing date specified in this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the investigations. A party granted access to BPI in the preliminary phase of the investigations need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff report.—The prehearing staff report in the final phase of these investigations will be placed in the nonpublic record on September 24, 2021, and a public version will be issued thereafter, pursuant to § 207.22 of the Commission's rules.

Hearing.—The Commission will hold a hearing in connection with the final phase of these investigations beginning at 9:30 a.m. on October 14, 2021. Information about the place and form of the hearing, including about how to participate in and/or view the hearing, will be posted on the Commission's website at <https://www.usitc.gov/calendarpad/calendar.html>. Interested parties should check the Commission's website periodically for updates. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before October 8, 2021. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on October 12, 2021. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), and 207.24 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 business days prior to the date of the hearing.

Written submissions.—Each party who is an interested party shall submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of § 207.23 of the Commission's rules; the deadline for filing is October 5, 2021. Parties may also file written testimony in connection with their presentation at the hearing, as provided in § 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of section 207.25 of the Commission's rules. The deadline for filing posthearing briefs is October 21, 2021. In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject of the investigations, including statements of support or opposition to the petition, on or before October 21, 2021. On November 8, 2021, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before November 10, 2021, but such final comments must not contain new factual information and must otherwise comply with § 207.30 of the Commission's rules. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures*, available on the Commission's website at https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf, elaborates upon the Commission's procedures with respect to filings.

Additional written submissions to the Commission, including requests pursuant to § 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with §§ 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published

pursuant to § 207.21 of the Commission's rules.

By order of the Commission.

Issued: June 21, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021-13465 Filed 6-23-21; 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: United States International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Integrated Circuits and Products Containing Same, DN 3553*; 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 MediaTek Inc. and MediaTek USA Inc. on June 21, 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 integrated circuits and products

containing same. The complainant names as respondents: NXP Semiconductors N.V. of Netherlands; NXP USA, Inc. of Austin, TX; Avnet, Inc. of Phoenix, AZ; Arrow Electronics, Inc. of Centennial, CO; Mouser Electronics, Inc. of Mansfield, TX; Continental AG of Germany; Continental Automotive GmbH of Germany; Continental Automotive Systems, Inc. of Auburn Hills, MI; Robert Bosch GmbH of Germany; and Robert Bosch LLC of Farmington Hills, MI. 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. 3553") in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, Electronic Filing Procedures¹). 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 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 21, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021-13416 Filed 6-23-21; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701-TA-525 and 731-TA-1260-1261 (Review)]

Certain Welded Line Pipe From Korea and Turkey

Determinations

On the basis of the record¹ developed in the subject five-year reviews, the United States International Trade Commission ("Commission") determines, pursuant to the Tariff Act of 1930 ("the Act"), that revocation of the countervailing duty order on certain welded line pipe from Turkey and the antidumping duty orders on certain welded line pipe from Korea and Turkey would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

Background

The Commission instituted these reviews on November 2, 2020 (85 FR 69354) and determined on February 5, 2021 that it would conduct expedited reviews (86 FR 24889, May 10, 2021).

The Commission made these determinations pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)). It completed and filed its determinations in these reviews on June 14, 2021. The views of the Commission are contained in USITC Publication 5202 (June 2021), entitled *Certain Welded Line Pipe from Korea and Turkey, Inv. Nos. 701-TA-525 and 731-TA-1260-1261 (Review)*.

By order of the Commission.

² All contract personnel will sign appropriate nondisclosure agreements.

³ Electronic Document Information System (EDIS): <https://edis.usitc.gov>.

¹ The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

¹ Handbook for Electronic Filing Procedures: https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.

Issued: June 14, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021-13346 Filed 6-23-21; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1186]

Certain Balance Armature Devices, Products Containing Same, and Components Thereof; Notice of Request for Submissions on the Public Interest

AGENCY: United States International
Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that on June 1, 2021, the presiding administrative law judge (“ALJ”) issued a Summary Determination on Violation of Section 337. The ALJ also issued a Recommended Determination on remedy and bonding should a violation be found in the above-captioned investigation. The Commission is soliciting submissions on public interest issues raised by the recommended relief should the Commission find a violation. This notice is soliciting comments from the public only.

FOR FURTHER INFORMATION CONTACT: Amanda Pitcher Fisherow, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2737. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: Section 337 of the Tariff Act of 1930 provides that, if the Commission finds a violation, it shall exclude the articles concerned from the United States:

unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry.

19 U.S.C. 1337(d)(1). A similar provision applies to cease and desist orders. 19 U.S.C. 1337(f)(1).

The Commission is soliciting submissions on public interest issues raised by the recommended relief should the Commission find a violation, specifically: A general exclusion order directed to certain balanced armature devices, products containing the same, and components thereof imported, sold for importation, and/or sold after importation; and cease and desist orders directed to Shenzhen Bellsing Acoustic Technology Co. Ltd., Suzhou Bellsing Acoustic Technology Co. Ltd., Dongguan Bellsing Precision Device Co., Ltd., and Bellsing Corporation, and Liang (Ryan) Li. Parties are to file public interest submissions pursuant to 19 CFR 210.50(a)(4).

The Commission is interested in further development of the record on the public interest in this investigation. Accordingly, members of the public are invited to file submissions of no more than five (5) pages, inclusive of attachments, concerning the public interest in light of the ALJ’s Recommended Determination on Remedy and Bonding issued in this investigation on June 1, 2021. Comments should address whether issuance of the recommended remedial orders in this investigation, should the Commission find a violation, 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 recommended remedial orders are used in the United States;
- (ii) identify any public health, safety, or welfare concerns in the United States relating to the recommended 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 recommended orders within a commercially reasonable time; and

(v) explain how the recommended orders would impact consumers in the United States.

Written submissions must be filed no later than by close of business on July 1, 2021.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. The Commission’s paper filing requirements in 19 CFR 210.4(f) are currently waived. 85 FR 15798 (March 19, 2020). Submissions should refer to the investigation number (“Inv. No. 337-TA-1186”) in a prominent place on the cover page and/or the first page. (See *Handbook for Electronic Filing Procedures*, https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf). Persons with questions regarding filing should contact the Secretary (202-205-2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements. All nonconfidential written submissions will be available for public inspection on EDIS.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission’s Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: June 15, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021-13343 Filed 6-23-21; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731-TA-1546-1549 (Final)]

Thermal Paper From Germany, Japan, Korea, and Spain; Notice of Correction Concerning Scheduling of Record Closing and Final Comments

AGENCY: United States International Trade Commission.

ACTION: Correction of notice.

SUMMARY: Correction is made to the October 20, 2021 date of record closing, and the October 22, 2021 deadline for filing final comments, in the *Written Submissions* section of the notice which was published on June 9, 2021 (86 FR 30627). The correct deadline dates are as follows: The record closing is October 19, 2021; and deadline for final comments is October 21, 2021.

By order of the Commission.

Issued: June 14, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021-13345 Filed 6-23-21; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140-0003]

Agency Information Collection Activities; Proposed eCollection of eComments Requested; Revision of a Currently Approved Collection; Report of Multiple Sale or Other Disposition of Pistols and Revolvers—ATF Form 3310.4

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Department of Justice (DOJ), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection (IC) OMB 1140-0003 (Report of Multiple Sale or Other Disposition of Pistols and Revolvers—ATF Form 3310.4) is being revised due to an increase in the total respondents, responses, and burden hours. A minor change to update the firearms description columns was made to the

form. The proposed IC is also being published to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and will be accepted for 60 days until August 23, 2021.

FOR FURTHER INFORMATION CONTACT: If you have additional comments regarding the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact: Neil Troppman, Law Enforcement Support Branch, National Tracing Center Division, either by mail at 244 Needy Road, Martinsburg, WV 25405, by email at neil.troppman@atf.gov, or by telephone at 304-260-3643.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection (check justification or form 83):*

Revision of a currently approved collection.

2. *The Title of the Form/Collection:* Report of Multiple Sale or Other Disposition of Pistols and Revolvers.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number (if applicable): ATF Form 3310.4.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Business or other for-profit.
Other (if applicable): Federal Government and State, Local, or Tribal Government.

Abstract: The Report of Multiple Sale or Other Disposition of Pistols and Revolvers—ATF Form 3310.4 is used to report multiple sale or other disposition of two or more pistols, revolvers, or any combination of pistols or revolvers to an unlicensed person, whether it occurs one time or within five consecutive business days.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 82,011 respondents will complete this form approximately 6.33365 times annually, and it will take each respondent approximately 15 minutes to complete their responses.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 129,857 hours, which is equal to 82,011 (# of respondents) * 6.33365 (# of responses per respondent) * .25 (15 mins).

7. *An Explanation of the Change in Estimates:* The increase in total respondents, responses, and burden hours, by 4,106, 63,495, and 15,873 hours respectively, is due to the revision of agency estimates, and a general increase in the number of respondents since the last renewal in 2018.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: June 21, 2021.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2021-13419 Filed 6-23-21; 8:45 am]

BILLING CODE 4410-FY-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA-857]

Bulk Manufacturer of Controlled Substances Application: Cambrex Charles City

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Cambrex Charles City 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 23, 2021. Such persons may also file a written request for a hearing on the application on or before August 23, 2021.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrisette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.33(a), this is notice that on May 6, 2021, Cambrex Charles City, 1205 11th Street, Charles City, Iowa 50616-3466, applied to be registered as a bulk manufacturer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Gamma Hydroxybutyric Acid	2010	I
Tetrahydrocannabinols ...	7370	I
Amphetamine	1100	II
Lisdexamfetamine	1205	II
Methylphenidate	1724	II
ANPP (4-Anilino-N-phenethyl-4-piperidine)	8333	II
Phenylacetone	8501	II
Codeine	9050	II
Oxycodone	9143	II
Hydromorphone	9150	II
Hydrocodone	9193	II
Methadone	9250	II
Morphine	9300	II
Oripavine	9330	II
Thebaine	9333	II
Opium extracts	9610	II
Opium fluid extract	9620	II
Opium tincture	9630	II
Opium, powdered	9639	II
Oxymorphone	9652	II
Noroxymorphone	9668	II
Fentanyl	9801	II

The company plans to manufacture the above-listed controlled substances in bulk for conversion to other controlled substances and sales to its customers for dosage form development, clinical trials and use in stability qualification studies. In reference to drug code 7370 (Tetrahydrocannabinols), the company plans to bulk manufacture this drug as synthetic. No other activities for these

drug codes are authorized for this registration.

William T. McDermott,
Assistant Administrator.
 [FR Doc. 2021-13252 Filed 6-23-21; 8:45 am]
BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA-858]

Bulk Manufacturer of Controlled Substances Application: Bulk Manufacturer of Marihuana: Annac Medical Center LC

AGENCY: Drug Enforcement Administration, Justice.
ACTION: Notice of application.

SUMMARY: The Drug Enforcement Administration (DEA) is providing notice of an application it has received from an entity applying to be registered to manufacture in bulk basic class(es) of controlled substances listed in schedule I. DEA intends to evaluate this and other pending applications according to its regulations governing the program of growing marihuana for scientific and medical research under DEA registration.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefor, may file written comments on or objections to the issuance of the proposed registration on or before August 23, 2021.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW 8701 Morrisette Drive, Springfield, Virginia 22152. To ensure proper handling of comments, please reference Docket No—DEA-858 in all correspondence, including attachments.

SUPPLEMENTARY INFORMATION: The Controlled Substances Act (CSA) prohibits the cultivation and distribution of marihuana except by persons who are registered under the CSA to do so for lawful purposes. In accordance with the purposes specified in 21 CFR 1301.33(a), DEA is providing notice that the entity identified below has applied for registration as a bulk manufacturer of schedule I controlled substances. In response, registered bulk manufacturers of the affected basic class(es), and applicants therefor, may file written comments on or objections of the requested registration, as provided in this notice. This notice does not constitute any evaluation or

determination of the merits of the application submitted.

The applicant plans to manufacture bulk active pharmaceutical ingredients (APIs) for product development and distribution to DEA registered researchers. If the application for registration is granted, the registrant would not be authorized to conduct other activity under this registration aside from those coincident activities specifically authorized by DEA regulations. DEA will evaluate the application for registration as a bulk manufacturer for compliance with all applicable laws, treaties, and regulations and to ensure adequate safeguards against diversion are in place.

As this applicant has applied to become registered as a bulk manufacturer of marihuana, the application will be evaluated under the criteria of 21 U.S.C. 823(a). In addition to seeking to produce marihuana extract, this applicant is separately seeking to cultivate marihuana. See Notice of Application, Bulk Manufacturers of Marihuana, 84 FR 44920, 44922 (Aug. 27, 2019). DEA will conduct this evaluation in the manner described in the rule published at 85 FR 82333 on December 18, 2020, and reflected in DEA regulations at 21 CFR part 1318.

In accordance with 21 CFR 1301.33(a), DEA is providing notice that on April 14, 2021, Annac Medical Center, LC, 5172 West Patrick Lane, Suite 100, Las Vegas, Nevada 89117-8911, applied to be registered as a bulk manufacturer of the following basic class(es) of controlled substances:

Controlled substance	Drug code	Schedule
Tetrahydrocannabinols ...	7370	I

William T. McDermott,
Assistant Administrator.
 [FR Doc. 2021-13249 Filed 6-23-21; 8:45 am]
BILLING CODE P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Oil Pollution Act

On June 17, 2021, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Western District of Louisiana in the lawsuit entitled *United States of America and Louisiana v. CITGO Petroleum Corp.*, Civil Action No. 2:21-cv-1705. The United States is

acting at the request of the designated federal trustees: National Oceanic and Atmospheric Administration (“NOAA”) and the United States Department of the Interior (“DOI”) through the United States Fish and Wildlife Service. The State of Louisiana is acting through its designated State trustees: The Louisiana Oil Spill Coordinator’s Office, Department of Public Safety & Corrections (“LOSCO”), Louisiana Department of Natural Resources (“LDNR”), Louisiana Department of Environmental Quality (“LDEQ”), Louisiana Department of Wildlife and Fisheries (“LDWF”), and the Coastal Protection and Restoration Authority (“CPRA”).

This is a civil action brought against Defendant CITGO Petroleum Corp. for recovery of damages for injury to, destruction of, loss of, or loss of use of natural resources, under Section 1002 of the Oil Pollution Act (“OPA”), 33 U.S.C. 2702, and Section 2480 of the Louisiana Oil Spill Prevention and Response Act (“OSPRA”), La. Rev. Stat. 30:2480. The United States and Louisiana seek damages in order to compensate for and restore natural resources injured by CITGO’s oil discharge that occurred at CITGO refinery in Lake Charles, Louisiana, beginning on or about June 18, 2006. The United States and the State also seek to recover unreimbursed costs of assessing such injuries.

The Complaint in this natural resource damages case was filed against CITGO concurrently with the lodging of the proposed Consent Decree. The Complaint alleges that CITGO is liable for damages under OPA and OSPRA. The Complaint alleges that CITGO discharged oil into the Indian Marais waterway, the Calcasieu River, and the Calcasieu Estuary in June 2006 and that natural resources were injured as a result of the discharge.

Under the proposed Consent Decree, CITGO will pay a total of \$19,688,149.83. Of this total, CITGO will pay \$19.16 million to the trustees to restore, replace, or acquire the equivalent of the natural resources allegedly injured, destroyed, or lost as a result of the oil spill and \$528,149.83 to reimburse the trustees for all remaining unpaid assessment costs.

The publication of this notice opens a period for public comment on the proposed Consent Decree. Comments should be addressed to the Acting Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States of America and Louisiana v. CITGO Petroleum Corp.*, D.J. Ref. No. 90–5–1–1–09112/1. All comments must be submitted no later than thirty (30)

days after the publication date of this notice. Comments may be submitted by either email or by mail:

<i>To submit comments:</i>	<i>Send them to:</i>
By email	<i>pubcomment-ees.enrd@usdoj.gov.</i>
By mail	Acting Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the proposed Consent Decree may be examined and downloaded at this Justice Department website: <https://www.justice.gov/enrd/consent-decrees>. We will provide a paper copy of the proposed Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for \$7.75 (25 cents per page reproduction cost) payable to the United States Treasury.

Thomas Carroll,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2021–13449 Filed 6–23–21; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

[Application Number D–11681]

RIN 1210–ZA18

Reopening of Comment Period for Proposed Amendments to Class Prohibited Transaction Exemptions To Remove Credit Ratings Pursuant to the Dodd-Frank Wall Street Reform and Consumer Protection Act

AGENCY: Employee Benefits Security Administration, Department of Labor.

ACTION: Notice of reopening of comment period.

SUMMARY: The Department of Labor is reopening the comment period on proposed amendments to six class exemptions from prohibited transaction rules set forth in the Employee Retirement Income Security Act of 1974 (ERISA) and the Internal Revenue Code (the Code). The exemptions are Prohibited Transaction Exemptions (PTEs) 75–1, 80–83, 81–8, 95–60, 97–41 and 2006–16. The proposed amendments relate to the use of credit

ratings in the conditions of these class exemptions. Section 939A of the Dodd-Frank Wall Street Reform and Consumer Protection Act requires the Department to remove any references to or requirements of reliance on credit ratings from its class exemptions and to substitute standards of creditworthiness as the Department determines to be appropriate. This reopening of the comment period provides interested persons with the opportunity to submit additional comments on the proposed amendments due to the passage of time since the proposal was originally published in 2013. All comments received to date on the proposed amendments will be included in the public record and need not be resubmitted. The proposed amendments to the class exemptions would affect participants and beneficiaries of employee benefit plans and IRAs, fiduciaries of the plans and IRAs, and financial institutions that engage in transactions with, or provide services to, the plans and IRAs.

DATES: The Department is reopening the comment period for proposed amendments to certain class exemptions that were published in the **Federal Register** on June 21, 2013 (78 FR 37572). Written comments and requests for a public hearing must be received by the Department on or before August 9, 2021. If the Department adopts final amendments, they would be effective 180 days after the date of their publication in the **Federal Register**.

ADDRESSES: All written comments and requests for a public hearing concerning the proposed amendments should be sent to the Employee Benefits Security Administration, Office of Exemption Determinations, U.S. Department of Labor through the Federal eRulemaking Portal and identified by Application No. D–11681:

Federal eRulemaking Portal: <http://www.regulations.gov> at Docket ID number: EBSA 2012–0013 (follow the instructions for submitting comments).

Warning: All comments received will be included in the public record without change and will be made available online at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be confidential or other information whose disclosure is restricted by statute. If you submit a comment, EBSA recommends that you include your name and other contact information, but DO NOT submit information that you consider to be confidential, or otherwise protected (such as Social Security number or an

unlisted phone number), or confidential business information that you do not want publicly disclosed. However, if EBSA cannot read your comment due to technical difficulties and cannot contact you for clarification, EBSA might not be able to consider your comment.

Additionally, the <http://www.regulations.gov> website is an “anonymous access” system, which means EBSA will not know your identity or contact information unless you provide it. If you send an email directly to EBSA without going through <http://www.regulations.gov>, your email address will be automatically captured and included as part of the comment that is placed in the public record and made available on the internet.

FOR FURTHER INFORMATION CONTACT: Susan Wilker, Office of Exemption Determinations, Employee Benefits Security Administration, U.S. Department of Labor, (202) 693–8557 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

In the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank),¹ Congress found that credit ratings of certain financial products proved to be inaccurate and had “contributed significantly to the mismanagement of risks by financial institutions and investors, which in turn adversely impacted the health of the economy in the United States and around the world.”² Dodd-Frank section 939A requires federal agencies, including the Department, to review any regulation that references or includes requirements regarding credit ratings, remove the references or requirements, and substitute standards of creditworthiness as the agency deems appropriate.

Pursuant to Dodd-Frank section 939A, the Department conducted a review of its class prohibited transaction exemptions. In the absence of an exemption, ERISA and the Code prohibit certain transactions involving employee benefit plans and IRAs. Class exemptions allow parties to engage in specified transactions that would otherwise be prohibited, so long as the parties satisfy the conditions and definitional provisions of the exemption. Under ERISA section 408(a), the Department may grant prohibited transaction exemptions provided the Secretary of Labor finds that the exemption is (i) administratively feasible, (ii) in the interests of plans and their participants and beneficiaries, and

(iii) protective of the rights of participants and beneficiaries of the plans.³

The Department’s review of its class exemptions identified Prohibited Transaction Exemptions (PTEs) 75–1, Parts III & IV,⁴ 80–83,⁵ 81–8,⁶ 95–60,⁷ 97–41,⁸ 2006–16⁹ (each, a “Class Exemption,” and collectively, the “Class Exemptions”) as those including references to, or requiring reliance on, credit ratings. Each Class Exemption allows certain parties to engage in a financial transaction involving a plan or IRA, and, in each Class Exemption the Department conditioned the exemption on the security or other financial product or its issuer or guarantor receiving a specified minimum credit rating. The credit rating requirements range from a rating in one of the four highest generic categories of credit ratings (also known as an “investment grade” rating) to a rating in one of the two highest generic categories, from a nationally recognized statistical rating organization. The credit rating conditions are one component of the safeguards established in each Class Exemption to protect the interests of plans, their participants and beneficiaries, and IRA owners entering into transactions covered by the Class Exemptions.

2013 Proposal

On June 21, 2013, following its review of the Class Exemptions, the Department issued proposed amendments to the Class Exemptions to remove references to, and requirements of reliance on, credit ratings (2013 Proposal).¹⁰ In drafting the proposed amendments, the Department focused on alternatives to credit ratings requirements set forth in three releases by the Securities and

Exchange Commission (SEC). The SEC releases included proposed amendments to rules 2a–7 and 5b–3 (Rule 2a–7 and Rule 5b–3);¹¹ a final amendment to rule 10f–3 (Rule 10f–3),¹² and a new rule 6a–5 (Rule 6a–5),¹³ all under the Investment Company Act of 1940.

In the 2013 Proposal, the Department set forth the following approaches to the various credit ratings requirements in the Class Exemptions. For PTEs 75–1, Parts III and IV, and 80–83, which each conditioned the exemption in part on certain securities involved being “rated in one of the four highest rating categories by at least one nationally recognized statistical rating organization,” the Department proposed to replace this condition with a requirement that the securities be “(i) subject to no greater than moderate credit risk and (ii) sufficiently liquid that such securities can be sold at or near their fair market value within a reasonably short period of time.” In doing so, the Department relied on Rules 6a–5 and 10f–3.

For PTE 81–8, which permits employee benefit plans and IRAs to invest in commercial paper that, among other things, possesses a rating in “one of the three highest rating categories by at least one nationally recognized statistical rating service,” the Department proposed instead to require the commercial paper to be “(i) subject to a minimal or low amount of credit risk based on factors pertaining to credit quality and the issuer’s ability to meet its short-term financial obligations and (ii) sufficiently liquid that such securities can be sold at or near their fair market value within a reasonably short period of time.” In doing so, the Department relied on Rule 10f–3 and the proposed amendment to Rule 2a–7.

PTE 2006–16 allows securities lending transactions secured by foreign collateral including (i) foreign sovereign debt securities if the issue, issuer or guarantor has a rating in one of the two highest rating categories from a nationally recognized statistical rating organization, and (ii) irrevocable letters of credit issued by foreign banks with a counterparty rating of investment grade or better as determined by a nationally recognized statistical rating

³ Code section 4975(c)(2) authorizes the Secretary of the Treasury to grant exemptions from the parallel prohibited transaction provisions of the Code. Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978, 5 U.S.C. App. (2018), transferred this authority from the Secretary of the Treasury to the Secretary of Labor. Therefore, this notice is issued solely by the Department.

⁴ 40 FR 50845 (October 31, 1975), as amended by 71 FR 5883 (February 3, 2006).

⁵ 45 FR 73189 (November 4, 1980), as amended by 67 FR 9483 (March 1, 2002).

⁶ 46 FR 7511 (January 23, 1981), as corrected at 46 FR 10570 (February 3, 1981) and as amended by 50 FR 14043 (April 9, 1985) and 67 FR 9483 (March 1, 2002).

⁷ 60 FR 35925 (July 12, 1995), as amended by 67 FR 9483 (March 1, 2002).

⁸ 62 FR 42830 (August 8, 1997).

⁹ 71 FR 63786 (October 31, 2006).

¹⁰ 78 FR 37572 (June 21, 2013). The Department proposed the amendments on its own motion, pursuant to ERISA section 408(a) and Code section 4975(c)(2), and in accordance with the procedures set forth in 29 CFR part 2570, subpart B (76 FR 66637 (October 27, 2011)).

¹¹ References to Credit Ratings in Certain Investment Company Act Rules and Forms, Release Nos. 33–9193, IC–29592; 76 FR 12896 (March 9, 2011).

¹² References to Ratings of Nationally Recognized Statistical Rating Organizations, Release Nos. 34–60789, IC–28939; 74 FR 52358 (October 9, 2009).

¹³ Purchase of Certain Debt Securities by Business and Industrial Development Companies Relying on an Investment Company Act Exemption, Release No. IC–30268; 77 FR 70117 (November 23, 2012).

¹ Public Law 111–203, 124 Stat. 1376 (2010).

² *Id.*, section 931(5).

organization. The Department proposed to replace the requirement for foreign sovereign debt securities issue, issuer or guarantor to be in the two highest ratings categories with a requirement that they be “(i) subject to a minimal amount of credit risk, and (ii) sufficiently liquid that such securities can be sold at or near their fair market value in the ordinary course of business within seven calendar days.” In doing so, the Department relied on the proposed amendments to Rules 2a–7 and 5b–3. The Department proposed to replace the requirement that foreign banks issuing letters of credit receive an “investment grade” counterparty rating with a requirement that the bank’s ability to honor its commitments thereunder be subject to “no greater than moderate credit risk,” relying on Rule 6a–5.

Finally, the Department proposed to eliminate certain references to credit ratings in PTEs 95–60 and 97–41 and replace them with references to credit quality.¹⁴

The Department received three comments in response to the 2013 Proposal. The comments were generally supportive of the Department’s approach in light of the statutory requirement to remove credit ratings references and requirements, and commenters did not suggest specific changes to the language of the amendments. Commenters did suggest that the Department provide additional guidance on satisfaction of the new standards, and requested that the Department delay finalizing the 2013 Proposal until the SEC had finalized all of its proposals. Following the receipt of these comments, the Department did not finalize the amendments as it focused on other priorities. Due to the passage of time, the Department is now seeking comments that take into account developments that have occurred since the Department issued and received comments on the 2013 Proposal.

Other Regulators

The SEC has finalized the amendments to Rules 2a–7 and 5b–3 since the Department’s 2013 Proposal. The SEC re-proposed an amendment to Rule 2a–7 in 2014, and finalized the amendment in 2015.¹⁵ The SEC also

finalized its amendment to Rule 5b–3 in 2014.¹⁶ While the SEC made changes to the language in response to comments, the final amendments generally took the same approach to replacing references to credit ratings with alternative methods for determining credit quality.

Other regulators have also replaced credit rating standards in their regulations using different standards than the Department used in its 2013 Proposal. For example, in October 2013, the Office of the Comptroller of the Currency (OCC), the Board of Governors of the Federal Reserve System (Federal Reserve Board), and the Federal Deposit Insurance Corporation (FDIC), issued a joint agreement to revise an existing agreement and replace references to credit ratings with alternative standards of creditworthiness consistent with Dodd-Frank.¹⁷ The revised agreement provides that a security is investment grade if the issuer of the security has an adequate capacity to meet financial commitments for the life of the asset. An issuer has adequate capacity to meet its financial commitments if the risk of default is low, and the full and timely repayment of principal and interest is expected. The National Credit Union Administration (NCUA) used similar language to define “investment grade” in the 2012 rule amendment.¹⁸ The rule provides that *investment grade* means the issuer of a security has an adequate capacity to meet the financial commitments under the security for the projected life of the asset or exposure, even under adverse economic conditions (12 CFR 704.2). An issuer has an adequate capacity to meet financial commitments if the risk of default by the obligor is low and the full and timely repayment of principal and interest on the security is expected. (*Id.*) NCUA also defined a higher standard, “minimal amount of credit risk,” as the amount of credit risk when the issuer of a security has a very strong capacity to meet all financial commitments under the security for the projected life of the asset or exposure, even under adverse economic conditions (*Id.*). An issuer has a very strong capacity to meet all financial commitments if the risk of default by the obligor is very low, and the full and

Fund Rule (Final Rule), 80 FR 58124 (September 25, 2015).

¹⁶ Removal of Certain References to Credit Ratings under the Investment Company Act (Final Rule), 79 FR 1316 (January 8, 2014).

¹⁷ Uniform Agreement on the Classification and Appraisal of Securities Held by Depository Institutions (Agreement), October 29, 2013, available at <https://www.federalreserve.gov/supervisionreg/srletters/sr1318a1.pdf>

¹⁸ Alternatives to the Use of Credit Ratings (Final Rule) 77 FR 74103 (December 13, 2012).

timely repayment of principal and interest on the security is expected. (*Id.*)

2015–2016 Rulemaking

In 2015 and 2016, the Department also engaged in a rulemaking regarding the definition of an investment advice fiduciary under ERISA and the Internal Revenue Code, which included publication of the Proposed Class Exemption for Principal Transactions in Certain Debt Securities between Investment Advice Fiduciaries and Employee Benefit Plans and IRAs (the Proposed Principal Transactions Exemption).¹⁹ The Proposed Principal Transactions Exemption included conditions imposing standards of creditworthiness that were similar to those provided in the 2013 Proposal. Specifically, under the proposal, a debt security purchased by or sold to a plan or IRA in a principal transaction with an investment advice fiduciary would have to “[p]ossess[] no greater than a moderate credit risk; and . . . [be] sufficiently liquid that the Debt Security could be sold at or near its fair market value within a reasonably short period of time.”

In comparison to comments on the 2013 Proposal, the Department received significant comments on the standards of creditworthiness in the Proposed Principal Transactions Exemption. Commenters generally stated that the standard lacked objectivity, and some commenters expressed the view that the Department’s reliance on Rule 6a–5 was misplaced because the SEC used the standard in a different context. Further, commenters requested that the standard use the term “carrying value” rather than “fair market value.” Finally, one commenter suggested that the Department require financial institutions to establish policies and procedures to determine how credit risk and liquidity will be assessed, as a means of operationalizing the requirements. Based on these comments, the Department finalized the Principal Transactions Exemption with revised standards of creditworthiness that require the debt security to (i) possess “no greater than a moderate credit risk;” and (ii) be “sufficiently liquid” that it “could be sold at or near its carrying value within a reasonably short period of time.”²⁰

¹⁹ 80 FR 21989 (April 20, 2015).

²⁰ See Class Exemption for Principal Transactions in Certain Assets Between Investment Advice Fiduciaries and Employee Benefit Plans and IRAs, 81 FR 21089, 21119–20 (April 8, 2016). The U.S. Court of Appeals for the Fifth Circuit later vacated the exemption on unrelated grounds. *Chamber of Commerce of the United States v. U.S. Department of Labor*, 885 F.3d 360 (5th Cir. 2018).

¹⁴ See PTE 95–60 Section III(a)(2)(B) and PTE 97–41 Section II(c)(2), discussed in the 2013 Proposal, 78 FR at 37579–80.

¹⁵ Removal of Certain References to Credit Ratings and Amendment to the Issuer Diversification Requirement in the Money Market Fund Rule (Re-proposed Rule and Proposed Rule), 79 FR 47986 (August 14, 2014); Removal of Certain References to Credit Ratings and Amendment to the Issuer Diversification Requirement in the Money Market

Request for Comment

Due to the passage of time since the 2013 Proposal was originally published, and to ensure that all interested parties have an opportunity to provide comments or new information, the Department is reopening the comment period and soliciting comments on all aspects of the 2013 Proposal. The Department specifically seeks comment regarding the following questions:

- Are changes to the 2013 Proposal's standards of creditworthiness necessary as a result of the SEC's finalization of amendments to Rules 2a-7 and 5b-3?

- Are changes to the 2013 Proposal's standards of creditworthiness necessary as a result of other regulators' actions removing references to credit ratings? For example, should the Department incorporate OCC, Federal Reserve Board, FDIC and/or NCUA standards developed for depository institutions? Have other regulators developed standards the Department should incorporate into the Class Exemptions? Are there particular challenges in the ERISA context to implementing any of those standards?

- Are changes to the 2013 Proposal's standards of creditworthiness necessary in light of business or other economic developments since the Department proposed changes to the Class Exemptions in 2013?

- Should references to "fair market value" in the 2013 Proposal's standards of creditworthiness be replaced with references to "carrying value"? If so, please explain why.

- Do commenters recommend that the Department require financial institutions to adopt policies and procedures for compliance with the standards of creditworthiness? If so, please describe the types of specific policies and procedures that would be helpful. Do financial institutions already have similar policies and procedures in place? Will 180 days provide sufficient time for financial institutions that currently do not currently such policies and procedures in place to adopt them?

Signed at Washington, DC, this 16th day of June 2021.

Ali Khawar,

Acting Assistant Secretary, Employee Benefits Security Administration, U.S. Department of Labor.

[FR Doc. 2021-13149 Filed 6-23-21; 8:45 am]

BILLING CODE 4510-29-P

DEPARTMENT OF LABOR**Employment and Training Administration****Agency Information Collection Activities; Comment Request; Distribution of Characteristics of the Insured Unemployed**

ACTION: Notice.

SUMMARY: The Department of Labor's (DOL) Employment and Training Administration (ETA) is soliciting comments concerning a proposed extension for the authority to conduct the information collection request (ICR) titled, "Distribution of Characteristics of the Insured Unemployed." This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA).

DATES: Consideration will be given to all written comments received by August 23, 2021.

ADDRESSES: A copy of this ICR with applicable supporting documentation, including a description of the likely respondents, proposed frequency of response, and estimated total burden, may be obtained free by contacting Sandra Trujillo by telephone at 202-693-2933 (this is not a toll-free number), TTY 1-877-889-5627 (this is not a toll-free number), or by email at trujillo.sandra@dol.gov.

Submit written comments about, or requests for a copy of, this ICR by mail or courier to the U.S. Department of Labor, Employment and Training Administration, Office of Unemployment Insurance, Room S-4524, 200 Constitution Avenue NW, Washington, DC 20210; by email: trujillo.sandra@dol.gov; or by fax 202-693-3975.

FOR FURTHER INFORMATION CONTACT: Thomas Stengle by telephone at 202-693-2991 (this is not a toll-free number) or by email at stengle.thomas@dol.gov.

Authority: 44 U.S.C. 3506(c)(2)(A).

SUPPLEMENTARY INFORMATION: DOL, as part of continuing efforts to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies an opportunity to comment on proposed and/or continuing collections of information before submitting them to the Office of Management and Budget (OMB) for final approval. This program helps to ensure requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized,

collection instruments are clearly understood, and the impact of collection requirements can be properly assessed.

The Distribution of Characteristics of the Insured Unemployed is a monthly snapshot of the demographic composition of the claimant population in the Unemployment Insurance (UI) system. It is based on those who file a claim in the week containing the 19th day of the month, which reflects unemployment during the week containing the 12th day of the month. This corresponds with the sample timeframe used by the Bureau of Labor Statistics for the production of labor force statistics they produce. This report serves a variety of socio-economic needs because it provides aggregate data reflecting UI claimants' sex, race/ethnic group, age, industry, and occupation. The Social Security Act, Section 303(a)(6), authorizes this information collection.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. See 5 CFR 1320.5(a) and 1320.6.

Interested parties are encouraged to provide comments to the contact shown in the **ADDRESSES** section. Comments must be written to receive consideration, and they will be summarized and included in the request for OMB approval of the final ICR. In order to help ensure appropriate consideration, comments should mention OMB control number 1205-0009.

Submitted comments will also be a matter of public record for this ICR and posted on the internet, without redaction. DOL encourages commenters not to include personally identifiable information, confidential business data, or other sensitive statements/information in any comments.

DOL is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information,

including the validity of the methodology and assumptions used;

- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, (e.g., permitting electronic submission of responses).

Agency: DOL-ETA.

Type of Review: Extension without change.

Title of Collection: Distribution of Characteristics of the Insured Unemployed.

Form: ETA 203.

OMB Control Number: 1205-0009.

Affected Public: State Workforce Agencies.

Estimated Number of Respondents: 53.

Frequency: Monthly.

Total Estimated Annual Responses: 636.

Estimated Average Time per

Response: 20 minutes.

Estimated Total Annual Burden

Hours: 212 hours.

Total Estimated Annual Other Cost Burden: \$0.

Suzan G. LeVine,

Principal Deputy Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2021-13304 Filed 6-23-21; 8:45 am]

BILLING CODE 4510-FN-P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of a Change in Status of the Extended Benefit (EB) Program for New Mexico

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice; correction.

SUMMARY: The Department of Labor's (DOL) Employment and Training Administration (ETA) published in the *Federal Register* on April 27, 2021, concerning New Mexico's EB change. On March 17, 2021, New Mexico Senate Bill 52 was enacted authorizing the use of the optional TUR trigger to determine New Mexico's EB status, and based on data released on March 15, 2021 by BLS, the seasonally-adjusted 3-month average total unemployment rate (TUR) for New Mexico rose above the 8.0 percent threshold necessary to trigger "on" to a

High Unemployment Period for EB. However, in New Mexico, with the exception of general appropriation legislation, laws go into effect 90 days after date of enactment. This delay was not originally considered, and the original *Federal Register* Notice published on April 27, 2021 (86 FR 22268) contained an incorrect status change for New Mexico. Therefore, DOL is issuing this correction.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Labor, Employment and Training Administration, Office of Unemployment Insurance Room S-4524, Attn: Thomas Stengle, 200 Constitution Avenue NW, Washington, DC 20210, telephone number (202) 693-2991 (this is not a toll-free number) or by email: Stengle.Thomas@dol.gov.

SUPPLEMENTARY INFORMATION:

Correction

The New Mexico State Constitution stipulates that unless otherwise specified, legislation becomes effective 90 days after date of enactment. As such, New Mexico Senate Bill 52 authorizing the use of the optional TUR trigger to determine New Mexico's EB status does not become effective until June 18, 2021. Therefore, New Mexico's EB status preceding June 18, 2021 should not have considered the optional TUR trigger and New Mexico's EB status is corrected to reflect that due to the insured unemployment rate in the state dropping below 5.0 percent for the week ending March 13, 2021, New Mexico triggered "off" EB effective April 3, 2021.

Signed in Washington, DC.

Suzan G. LeVine,

Principal Deputy Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2021-13305 Filed 6-23-21; 8:45 am]

BILLING CODE 4510-FW-P

DEPARTMENT OF LABOR

Employment and Training Administration

Agency Information Collection Activities; Comment Request

AGENCY: Employment and Training Administration (ETA), U.S. Department of Labor.

ACTION: Notice.

SUMMARY: The Department of Labor's (DOL) Employment and Training Administration (ETA) is soliciting comments concerning a proposed extension for the authority to conduct the information collection request (ICR) titled, "Guam Military Base

Realignment Contractor Recruitment Standards, OMB Control Number 1205-0484." This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA).

DATES: Consideration will be given to all written comments received by August 23, 2021.

ADDRESSES: A copy of this ICR with applicable supporting documentation, including a description of the likely respondents, proposed frequency of response, and estimated total burden, may be obtained free by contacting Donald Haughton by telephone at 202-693-2784 (this is not a toll-free number), TTY 1-877-889-5627 (this is not a toll-free number), or by email at haughton.donald.w@dol.gov.

Submit written comments about, or requests for a copy of, this ICR by mail or courier to the U.S. Department of Labor, U.S. Department of Labor, Employment and Training Administration—Division of National Programs Tools and Technical Assistance, 200 Constitution Avenue NW, C4526, Washington, DC 20210; by email: haughton.donald.w@dol.gov; or by fax (202) 693-3015.

FOR FURTHER INFORMATION CONTACT: Contact Donald Haughton by telephone at 202-693-2784 (this is not a toll-free number) or by email at haughton.donald.w@dol.gov.

SUPPLEMENTARY INFORMATION: DOL, as part of continuing efforts to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies an opportunity to comment on proposed and/or continuing collections of information before submitting them to the Office of Management and Budget (OMB) for final approval. This program helps to ensure requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements can be properly assessed.

DOL seeks to revise the Guam Military Base Realignment Contractor Recruitment Standards ICR based on revised Department of Defense (DOD) projections on the number of workers needed for the next several years. The National Defense Authorization Act (NDAA) for Fiscal Year 2010 (Pub. L. 111-84, enacted October 28, 2009) authorizes this information collection.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection

of information, and the public is generally not required to respond to an information collection, unless it is approved by OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. See 5 CFR 1320.5(a) and 1320.6.

Interested parties are encouraged to provide comments to the contact shown in the **ADDRESSES** section. Comments must be written to receive consideration, and they will be summarized and included in the request for OMB approval of the final ICR. In order to help ensure appropriate consideration, comments should mention Guam Military Base Realignment Contractor Recruitment Standards, OMB Control Number 1205-0484.

Submitted comments will also be a matter of public record for this ICR and posted on the internet, without redaction. DOL encourages commenters not to include personally identifiable information, confidential business data, or other sensitive statements/information in any comments.

DOL is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

- Enhance the quality, utility, and clarity of the information to be collected; and

- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, (e.g., permitting electronic submission of responses).

Agency: DOL-ETA.

Type of Review: Revision.

Title of Collection: Guam Military Base Realignment Contractor Recruitment Standards.

Form: None.

OMB Control Number: 1205-0484.

Affected Public: Private sector (for-profit businesses and not-for-profit organizations).

Estimated Number of Respondents: 62.

Frequency: Annually.

Total Estimated Annual Responses: 62.

Estimated Average Time per Response: 90 minutes.

Estimated Total Annual Burden Hours: 93 hours.

Total Estimated Annual Other Cost Burden: \$3,105.

Authority: 44 U.S.C. 3506(c)(2)(A).

Suzan G. LeVine,

Principal Deputy Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2021-13268 Filed 6-23-21; 8:45 am]

BILLING CODE 4510-FN-P

DEPARTMENT OF LABOR

Employment and Training Administration

Determinations Regarding Eligibility To Apply for Trade Adjustment Assistance

In accordance with Sections 223 and 284 (19 U.S.C. 2273 and 2395) of the Trade Act of 1974 (19 U.S.C. 2271, *et seq.*) (“Act”), as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance under Chapter 2 of the Act (“TAA”) for workers by (TA-W) issued during the period of *May 1 through May 31, 2021*.

This notice includes summaries of initial determinations such as Affirmative Determinations of Eligibility, Negative Determinations of Eligibility, and Determinations Terminating Investigations of Eligibility within the period. If issued in the period, this notice also includes summaries of post-initial determinations that modify or amend initial determinations such as Affirmative Determinations Regarding Applications for Reconsideration, Negative Determinations Regarding Applications for Reconsideration, Revised Certifications of Eligibility, Revised Determinations on Reconsideration, Negative Determinations on Reconsideration, Revised Determinations on remand from the Court of International Trade, and Negative Determinations on remand from the Court of International Trade.

Affirmative Determinations for Trade Adjustment Assistance

The following certifications have been issued.

TA-W No.	Workers' firm	Location	Reason(s)
95271	EnerVest Employee Services, LLC	Sonora, TX	Customer Imports of Articles.
95271A	Wood PLC	Sonora, TX	Customer Imports of Articles.
95271B	EnerVest Employee Services, LLC	Clintwood, VA	Customer Imports of Articles.
96567	Ascension Technologies	Saint Louis, MO	Acquisition of Services from a Foreign Country.
96646	Campbell Hausfeld	Leitchfield, KY	Customer Imports of Articles.
96647A	Octapharma Plasma Inc.	Chesapeake, VA	Shift in Production to a Foreign Country.
96647B	Octapharma Plasma Inc.	Lynchburg, VA	Shift in Production to a Foreign Country.
96647C	Octapharma Plasma Inc.	Newport News, VA	Shift in Production to a Foreign Country.
96647D	Octapharma Plasma Inc.	Norfolk, VA	Shift in Production to a Foreign Country.
96647E	Octapharma Plasma Inc.	Petersburg, VA	Shift in Production to a Foreign Country.
96647F	Octapharma Plasma Inc.	Portsmouth, VA	Shift in Production to a Foreign Country.
96647G	Octapharma Plasma, Inc	Richmond, VA	Shift in Production to a Foreign Country.
96647I	Octapharma Plasma Inc.	Virginia Beach, VA	Shift in Production to a Foreign Country.
96647J	Octapharma Plasma Inc.	Virginia Beach, VA	Shift in Production to a Foreign Country.
96736	Ricoh Electronics, Inc.	Tustin, CA	Imports of Finished Articles Containing Like or Directly Competitive Components.
96744	Panasonic Avionics Corporation	Bothell, WA	Secondary Service Supplier.
96750	Emerald Polymer Additives LLC	Henry, IL	Customer Imports of Articles.
96754	Catalytic Combustion Corporation	Bloomer, WI	Company Imports of Articles.
96755	Dayco Products, LLC	Mount Pleasant, MI	Shift in Production to a Foreign Country.

TA-W No.	Workers' firm	Location	Reason(s)
96767	Bed Bath & Beyond Inc.	Ocoee, FL	Acquisition of Services from a Foreign Country.
96774	Northern Engraving Corporation	Sparta, WI	Shift in Production to a Foreign Country.
96792	Pacific Life Insurance Company	Aliso Viejo, CA	Acquisition of Services from a Foreign Country.
96793	Carlyle Compressor	Stone Mountain, GA	Shift in Production to a Foreign Country.
96797	Schaffner Manufacturing	Pittsburgh, PA	Shift in Production to a Foreign Country.
96800	Sensitech Inc.	Beverly, MA	Acquisition of Services from a Foreign Country.
96801	Boehringer Ingelheim USA, Co.	Ridgefield, CT	Shift in Production to a Foreign Country.
96802	Numerical Precision Inc.	Crosby, TX	ITC Determination.
96804	Insurity LLC	Hartford, CT	Acquisition of Services from a Foreign Country.
96808	Pacific Wood Laminates, Incorporated	Brookings, OR	ITC Determination.
96813	Allstate Insurance Company	Northbrook, IL	Shift in Services to a Foreign Country.
96814	The Anthem Companies, Inc.	Wallingford, CT	Acquisition of Services from a Foreign Country.
96815	Halliburton Energy Services, Inc.	Duncan, OK	Shift in Services to a Foreign Country.
96816	Gates Corporation	Galesburg, IL	Shift in Production to a Foreign Country.
96819	Micro Contacts, Inc. DBA Micro Technologies.	Hicksville, NY	Shift in Production to a Foreign Country.
96823	GCI Communication Corporation	Anchorage, AK	Acquisition of Services from a Foreign Country.
96828	Scot Forge Company	Spring Grove, IL	ITC Determination.
96828A	Scot Forge Company	Clinton, WI	ITC Determination.
96837	GP Strategies Corporation	Bloomington, IN	Shift in Services to a Foreign Country.
96850	Power Drives, Inc.	Erie, PA	Secondary Component Supplier.
96852	Continental Automotive Systems Inc.	Fletcher, NC	Shift in Production to a Foreign Country.
96856	ISSPro, Inc.	Portland, OR	Company Imports of Articles.
96858	Capitol Manufacturing Company, LLC	Crowley, LA	ITC Determination.
96862	Jeld-Wen, Inc.	Bend, OR	ITC Determination.
96878	MUFG Union Bank, N.A.	Jersey City, NJ	Acquisition of Services from a Foreign Country.
96879	Eaton Corporation	Belmond, IA	Shift in Production to a Foreign Country.
96881	Arrow International	Asheboro, NC	Shift in Production to a Foreign Country.
96883	RELX dba Reed Exhibitions	Norwalk, CT	Shift in Services to a Foreign Country.
96892	Equinor US Operations LLC FKA Statoil Gulf Services LLC.	Houston, TX	Shift in Production to a Foreign Country.
96895	Viper Technologies d/b/a Avalign Thortex	Portland, OR	Company Imports of Articles.
96914	Surgery Partners	Brentwood, TN	Acquisition of Services from a Foreign Country.

Negative Determinations for Trade Adjustment Assistance

The following investigations revealed that the eligibility criteria for TAA have not been met for the reason(s) specified.

TA-W No.	Workers' firm	Location	Reason(s)
96554	Ezefflow USA, Inc.	New Castle, PA	No Shift in Production or Other Basis.
96611	Damascus Steel, LLC	New Brighton, PA	No Shift in Production or Other Basis.
96641	Hewlett Packard Enterprise	Colorado Springs, CO	No Employment Decline or Threat of Separation or ITC.
96645	American Woodmark	Moorefield, WV	No Sales or Production Decline or Other Basis.
96651	DeCare Dental (Anthem Companies, Inc.)	Saint Paul, MN	No Shift in Services or Other Basis.
96656	Beckman Coulter, Inc.	Grants Pass, OR	No Shift in Services or Other Basis.
96683	BGF Industries, Inc.	South Hill, VA	No Shift in Production or Other Basis.
96760	Mondelez Global LLC Fair Lawn Bakery	Fair Lawn, NJ	No Sales or Production Decline or Other Basis.
96785	Butterball, LLC	Carthage, MO	No Shift in Production or Other Basis.
96803	Wabtec Corporation	Wilmerding, PA	No Shift in Production or Other Basis.
96844	Moovel North America, LLC	Portland, OR	No Shift in Services or Other Basis.

Determinations Terminating Investigations for Trade Adjustment Assistance

The following investigations were terminated for the reason(s) specified.

TA-W No.	Workers' firm	Location	Reason(s)
96647	Octapharma Plasma Inc.	Charlottesville, VA	Invalid Petition.
96647H	Octapharma Plasma Inc.	Richmond, VA	Invalid Petition.
96789	Boeing Distribution Services, Inc.	Chambersburg, PA	Existing Certification in Effect.

Revised Certifications of Eligibility

The following revised certifications of eligibility to apply for TAA have been issued.

TA-W No.	Workers' firm	Location	Reason(s)
96141	Boeing Distribution Services, Inc.	Miami, FL	Worker Group Clarification.
96141A	Boeing Distribution Services, Inc.	Chandler, AZ	Worker Group Clarification.
96141B	Boeing Distribution Services, Inc.	Carson, CA	Worker Group Clarification.
96141C	Boeing Distribution Services, Inc.	Enfield, CT	Worker Group Clarification.
96141D	Boeing Distribution Services, Inc.	Wichita, KS	Worker Group Clarification.
96141E	Boeing Distribution Services, Inc.	O'Fallon, MO	Worker Group Clarification.
96141F	Boeing Distribution Services, Inc.	Parsippany, NJ	Worker Group Clarification.
96141G	Boeing Distribution Services, Inc.	Cornwall, NY	Worker Group Clarification.
96141H	Boeing Distribution Services, Inc.	Westbury, NY	Worker Group Clarification.
96141I	Boeing Distribution Services, Inc.	Greensboro, NC	Worker Group Clarification.
96141J	Boeing Distribution Services, Inc.	Boothwyn, PA	Worker Group Clarification.
96141K	Boeing Distribution Services, Inc.	Philadelphia, PA	Worker Group Clarification.
96141L	Boeing Distribution Services, Inc.	Coppell, TX	Worker Group Clarification.
96141M	Boeing Distribution Services, Inc.	Fort Worth, TX	Worker Group Clarification.
96141N	Boeing Distribution Services, Inc.	Houston, TX	Worker Group Clarification.
96141O	Boeing Distribution Services, Inc.	Kent, WA	Worker Group Clarification.
96141P	Boeing Distribution Services, Inc.	Chambersburg, PA	Worker Group Clarification.

Termination on Reconsideration

The following determinations to terminate a reconsideration have been issued for the reason(s) specified.

TA-W No.	Workers' firm	Location	Reason(s)
95251	Daimler Trucks North America	Cleveland, NC	Applicant Requests Withdrawal.

I hereby certify that the aforementioned determinations were issued during the period of *May 1 through May 31, 2021*. These determinations are available on the Department's website <https://www.dol.gov/agencies/eta/tradeact> under the searchable listing determinations or by calling the Office of Trade Adjustment Assistance toll free at 888-365-6822.

Signed at Washington, DC this 11th day of June 2021.

Hope D. Kinglock,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2021-13264 Filed 6-23-21; 8:45 am]

BILLING CODE 4510-FN-P

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Eligibility To Apply for Trade Adjustment Assistance

In accordance with the Trade Act of 1974 (19 U.S.C. 2271, *et seq.*) ("Act"), as amended, the Department of Labor herein presents notice of investigations regarding eligibility to apply for trade adjustment assistance under Chapter 2 of the Act ("TAA") for workers by (TA-W) started during the period of *May 1 through May 31, 2021*.

This notice includes instituted initial investigations following the receipt of validly filed petitions. Furthermore, if applicable, this notice includes investigations to reconsider negative

initial determinations or terminated initial investigations following the receipt of a valid application for reconsideration.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. Any persons showing a substantial interest in the subject matter of the investigations may request a public hearing provided such request is filed in writing with the Administrator, Office of Trade Adjustment Assistance, at the address shown below, no later than July 6, 2021.

Initial Investigations

The following are initial investigations commenced following the receipt of a properly filed petition.

TA-W No.	Workers' firm	Location	Investigation start date
96880	Ascension Technologies	Saint Louis, MO	5/3/2021
96881	Arrow International	Asheboro, NC	5/4/2021
96882	Mosey Manufacturing Co. Inc	Richmond, IN	5/4/2021
96883	RELX dba Reed Exhibitions	Norwalk, CT	5/4/2021
96884	Vestas Blades America, Inc	Windsor, CO	5/5/2021
96885	Jama Software, Inc	Portland, OR	5/6/2021
96886	Digimarc Corporation	Beaverton, OR	5/6/2021
96887	Landis+Gyr Technology, Inc	Saint Louis, MO	5/6/2021

TA-W No.	Workers' firm	Location	Investigation start date
96888	PCC Aerostructures	Wilkes Barre, PA	5/6/2021
96889	Global Safety Textiles LLC	South Hill, VA	5/6/2021
96890	Teleflex	Maple Grove, MN	5/7/2021
96891	Travelers Insurance Company	Hartford, CT	5/7/2021
96892	Equinor US Operations LLC FKA Statoil Gulf Services LLC	Houston, TX	5/7/2021
96893	ABB, Inc	Kings Mountain, NC	5/7/2021
96894	Vestas-American Wind Technology, Inc	Portland, OR	5/10/2021
96895	Viper Technologies d/b/a Avalign Thortex	Portland, OR	5/10/2021
96896	TDK Ferrites Corporation	Shawnee, OK	5/13/2021
96897	Liberty Mutual Group, Inc	Columbia, MD	5/13/2021
96898	Emerson Automation Solutions	Walden, NY	5/13/2021
96899	Masonite Corporation	Springfield, MO	5/13/2021
96900	National Instruments	Austin, TX	5/13/2021
96901	Bedford Industries	Worthington, MN	5/13/2021
96902	Terex USA, LLC	Oklahoma City, OK	5/14/2021
96903	Hanesbrands, Inc	Clarksville, AR	5/14/2021
96904	Elster AMCO Water LLC	Ocala, FL	5/14/2021
96905	Vervent Inc	Luverne, MN	5/14/2021
96906	The Mosaic Company	Plymouth, MN	5/17/2021
96907	Glimmer Technology, Inc	Eugene, OR	5/18/2021
96908	Embraer Executive Jets	Windsor Locks, CT	5/19/2021
96909	CommScope	Greensboro, NC	5/20/2021
96910	Globe Specialty Metals	Beverly, OH	5/20/2021
96911	Sanofi Aventis	Malvern, PA	5/20/2021
96912	Certech Inc. DBA Morgan Advanced Materials	Wood Ridge, NJ	5/20/2021
96913	PPG Industries, Inc	Pittsburgh, PA	5/24/2021
96914	Surgery Partners	Brentwood, TN	5/24/2021
96915	Nike Inc	Beaverton, OR	5/25/2021
96916	DAK Americas LLC	Moncks Corner, SC	5/27/2021

Reconsideration Investigations

The following are reconsideration investigations following the receipt of a

properly filed application for reconsideration.

TA-W No.	Workers' firm	Location	Investigation start date
96717	Comprehensive Decommissioning International	Plymouth, MA	5/4/2021

A record of these investigations and petitions filed are available, subject to redaction, on the Department's website <https://www.dol.gov/agencies/eta/tradeact> under the searchable listing or by calling the Office of Trade Adjustment Assistance toll free at 888-365-6822.

Signed at Washington, DC, this 11th day of June 2021.

Hope D. Kinglock,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2021-13265 Filed 6-23-21; 8:45 am]

BILLING CODE 4510-FN-P

DEPARTMENT OF LABOR

Employment and Training Administration

Agency Information Collection Activities; Comment Request; Unemployment Insurance (UI) Trust Fund Activities Reports

ACTION: Notice.

SUMMARY: The Department of Labor's (DOL) Employment and Training Administration (ETA) is soliciting comments concerning a proposed extension for the authority to conduct the information collection request (ICR) titled *Unemployment Insurance (UI) Trust Fund Activities Reports*. This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA).

DATES: Consideration will be given to all written comments received by August 23, 2021.

ADDRESSES: A copy of this ICR with applicable supporting documentation, including a description of the likely respondents, proposed frequency of response, and estimated total burden, may be obtained free by contacting Joe Williams by telephone at (202) 693-2928 (this is not a toll-free number), TTY 1-877-889-5627 (this is not a toll-free number), or by email at williams.joseph@dol.gov.

Submit written comments about, or requests for a copy of, this ICR by mail or courier to the U.S. Department of Labor, Employment and Training Administration, Office of Unemployment Insurance, Room S-4524, 200 Constitution Avenue NW, Washington, DC 20210; by email: williams.joseph@dol.gov; or by fax at (202) 693-3975.

FOR FURTHER INFORMATION CONTACT: Cynthia Greene by telephone at (202)

693-2724 (this is not a toll-free number) or by email at Cynthia.greene.m@dol.gov.

Authority: 44 U.S.C. 3506(c)(2)(A).

SUPPLEMENTARY INFORMATION: DOL, as part of continuing efforts to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies an opportunity to comment on proposed and/or continuing collections of information before submitting them to the Office of Management and Budget (OMB) for final approval. This program helps to ensure requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements can be properly assessed.

Section 303(a)(4) of the Social Security Act (SSA) and Section 3304(a)(3) of the Federal Unemployment Tax (FUTA) require that all monies received in the unemployment fund of a state be paid immediately to the Secretary of the Treasury to the credit of the Unemployment Trust Fund (UTF). This is the “immediate deposit” standard. Section 303(a)(5) of the SSA and Section 3304(a)(4) of the FUTA require that all monies withdrawn from the UTF be used solely for the payment of unemployment compensation, exclusive of the expenses of administration. This is the “limited withdrawal” standard.

Federal law (Section 303(a)(6) of the SSA) gives the Secretary of Labor the authority to require the reporting of information deemed necessary to assure state compliance with the provisions of the SSA. Under this authority, the Secretary of Labor requires the following reports to monitor state compliance with the immediate deposit and limited withdrawal standards:

ETA 2112: UI Financial Transactions Summary, Unemployment Fund,

ETA 8401: Monthly Analysis of Benefit Payment Account,

ETA 8403: Summary of Financial Transactions—Title IX Funds,

ETA 8405: Monthly Analysis of Clearing Account,

ETA 8413: Income-Expense Analysis Unemployment Compensation (UC) Fund, Benefit Payment Account, and

ETA 8414: Income-Expense Analysis UC Fund, Clearing Account.

Section 303(a)(6) of the SSA authorizes this information collection.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an

information collection, unless it is approved by OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. See 5 CFR 1320.5(a) and 1320.6.

Interested parties are encouraged to provide comments to the contact shown in the **ADDRESSES** section. Comments must be written to receive consideration, and they will be summarized and included in the request for OMB approval of the final ICR. In order to help ensure appropriate consideration, comments should mention OMB control number 1205-0154.

Submitted comments will also be a matter of public record for this ICR and posted on the internet, without redaction. DOL encourages commenters not to include personally identifiable information, confidential business data, or other sensitive statements/information in any comments.

DOL is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, (e.g., permitting electronic submission of responses).

Agency: DOL-ETA.

Type of Review: Extension without change.

Title of Collection: Unemployment Insurance (UI) Trust Fund Activities Reports.

Form: ETA 2112, 8401, 8403, 8405, 8413, and 8414.

OMB Control Number: 1205-0154.

Affected Public: State Workforce Agencies.

Estimated Number of Respondents: 53.

Frequency: Monthly.

Total Estimated Annual Responses: 3,498.

Estimated Average Time per Response: 0.5 hour.

Estimated Total Annual Burden Hours: 1,749 hours.

Total Estimated Annual Other Cost Burden: \$0.

Suzan G. LeVine,

Principal Deputy Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2021-13307 Filed 6-23-21; 8:45 am]

BILLING CODE 4510-FW-P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Quarterly Narrative Progress Report, Employment and Training Supplemental Budget Request Activities

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Employment and Training Administration (ETA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before July 26, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency’s estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT:

Mara Blumenthal by telephone at 202–693–8538, or by email at DOL_PRA_PUBLIC@dol.gov.

SUPPLEMENTARY INFORMATION:

This collection is authorized under the Social Security Act, Title III, Section 303(a)(6). The ETA National and Regional Offices use the Quarterly Narrative Progress Report, Employment and Training Supplemental Budget Request Activities to monitor the progress of State Workforce Agencies (SWAs) in implementing supplemental grant projects. ETA provides supplemental grants for SWAs to prevent and detect improper benefit payments, improve state performance, and address outdated information technology (IT) system infrastructures. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on September 28, 2020 (85 FR 60832).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–ETA.

Title of Collection: Quarterly Narrative Progress Report, Employment and Training Supplemental Budget Request Activities.

OMB Control Number: 1205–0517.

Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Respondents: 57.

Total Estimated Number of Responses: 228.

Total Estimated Annual Time Burden: 1,140 hours.

Total Estimated Annual Other Costs Burden: \$0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: June 11, 2021.

Mara Blumenthal,

Senior PRA Analyst.

[FR Doc. 2021–13399 Filed 6–23–21; 8:45 am]

BILLING CODE 4510–FW–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Contribution Operations

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Employment and Training Administration (ETA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before July 26, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency’s estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT:

Mara Blumenthal by telephone at 202–693–8538, or by email at DOL_PRA_PUBLIC@dol.gov.

SUPPLEMENTARY INFORMATION: Title III, Section 302(a) of the Social Security Act states that the Secretary of Labor shall certify to the Secretary of Treasury for

payment to each State, which has an unemployment compensation law approved by the Secretary of Labor under the Federal Unemployment Tax Act, such amounts necessary for the proper and efficient administration of such law. The Office of Unemployment Insurance (OUI) of ETA is responsible for the Tax Performance System (TPS) which evaluates the employer-related or tax operations of the UI program. The Contribution Operations report—ETA 581 is the vehicle for the collection of information required under the TPS program. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on October 26, 2020 (85 FR 67776).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–ETA.

Title of Collection: Contribution Operations.

OMB Control Number: 1205–0178.

Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Respondents: 53.

Total Estimated Number of Responses: 212.

Total Estimated Annual Time Burden: 1,590 hours.

Total Estimated Annual Other Costs Burden: \$0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: June 11, 2021.

Mara Blumenthal,

Senior PRA Analyst.

[FR Doc. 2021–13397 Filed 6–23–21; 8:45 am]

BILLING CODE 4510–FW–P

DEPARTMENT OF LABOR**Agency Information Collection Activities; Submission for OMB Review; Comment Request; Workforce Flexibility (Workflex) Plan Submission and Reporting Requirements**

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Employment and Training Administration (ETA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before July 26, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency’s estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Mara Blumenthal by telephone at 202–693–8538, or by email at DOL_PRA_PUBLIC@dol.gov.

SUPPLEMENTARY INFORMATION: Section 190 of the Workforce Innovation and Opportunity Act (WIOA) (Pub. L. 113–128, July 22, 2014) permits states to apply for Workflex waiver authority. The Act and 20 CFR 679.630 provide that the Secretary may grant Workflex waiver authority for up to five years pursuant to a Workflex plan submitted by a state. Under Workflex, governors are granted the authority to approve

requests submitted by their local areas to waive certain statutory and regulatory provisions of WIOA Title I programs. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on January 8, 2021 (86 FR 1527).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–ETA.

Title of Collection: Workforce Flexibility (Workflex) Plan Submission and Reporting Requirements.

OMB Control Number: 1205–0432.

Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Respondents: 5.

Total Estimated Number of Responses: 25.

Total Estimated Annual Time Burden: 235 hours.

Total Estimated Annual Other Costs Burden: \$0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: June 11, 2021.

Mara Blumenthal,

Senior PRA Analyst.

[FR Doc. 2021–13398 Filed 6–23–21; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR**Agency Information Collection Activities; Submission for OMB Review; Comment Request; Reasonable Contract or Arrangement Fee Disclosure Under the Employee Retirement Income Security Act**

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Employee Benefits Security Administration (EBSA)-sponsored information

collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before July 26, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency’s estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Mara Blumenthal by telephone at 202–693–8538, or by email at DOL_PRA_PUBLIC@dol.gov.

SUPPLEMENTARY INFORMATION: The prohibited transaction described in section 406(a)(1)(C) of the Employee Retirement Income Security Act (ERISA) generally prohibits the furnishing of goods, services, or facilities between a plan and a party in interest to the plan. Since ERISA defines any person furnishing services to the plan as a “party in interest” to the plan, a service relationship between a plan and a service provider would constitute a prohibited transaction under section 406(a)(1)(C) in the absence of relief. Section 408(b)(2) of ERISA provides relief, however, for service contracts or arrangements if the contract or arrangement is “reasonable,” if the services are necessary for the establishment or operation of the plan, and if no more than “reasonable” compensation is paid for the services. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on March 31, 2021 (86 FR 16787).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–EBSA.

Title of Collection: Employee Retirement Income Security Act Section 408(b)(2) Regulation.

OMB Control Number: 1210–0133.

Affected Public: Private Sector—Businesses or other for-profits.

Total Estimated Number of Respondents: 56,891.

Total Estimated Number of Responses: 1,643,991.

Total Estimated Annual Time Burden: 1,134,055 hours.

Total Estimated Annual Other Costs Burden: \$258,506.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: June 11, 2021.

Mara Blumenthal,

Senior PRA Analyst.

[FR Doc. 2021–13400 Filed 6–23–21; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2006–0042]

CSA Group Testing & Certification Inc.: Application for Expansion of Recognition

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: In this notice, OSHA announces the applications of CSA Group Testing & Certification Inc. for expansion of recognition as a Nationally Recognized Testing Laboratory (NRTL) and presents the agency’s preliminary finding to grant the applications.

DATES: Submit comments, information, and documents in response to this

notice, or requests for an extension of time to make a submission, on or before July 9, 2021.

ADDRESSES: Comments may be submitted as follows:

Electronically: You may submit comments, including attachments, electronically at <http://www.regulations.gov>, the Federal eRulemaking Portal. Follow the online instructions for submitting comments.

Docket: To read or download comments or other material in the docket, go to <http://www.regulations.gov>. Documents in the docket are listed in the <http://www.regulations.gov> index; however, some information (e.g., copyrighted material) is not publicly available to read or download through the website. All submissions, including copyrighted material, are available for inspection through the OSHA Docket Office. Contact the OSHA Docket Office for assistance in locating docket submissions.

Instructions: All submissions must include the agency name and the OSHA docket number for this **Federal Register** notice (OSHA–2006–0042). OSHA will place comments and requests to speak, including personal information, in the public docket, which may be available online. Therefore, OSHA cautions interested parties about submitting personal information such as Social Security numbers and birthdates. For further information on submitting comments, see the “Public Participation” heading in the section of this notice titled **SUPPLEMENTARY INFORMATION**.

Extension of comment period: Submit requests for an extension of the comment period on or before July 9, 2021 to the Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Room N–3653, Washington, DC 20210, or by fax to (202) 693–1644.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor by phone (202) 693–1999 or email meilinger.francis2@dol.gov.

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and

Health Administration, U.S. Department of Labor by phone (202) 693–2110 or email robinson.kevin@dol.gov.

SUPPLEMENTARY INFORMATION:

I. Notice of the Application for Expansion

OSHA is providing notice that CSA Group Testing & Certification Inc. (CSA) is applying for expansion of their current recognition as an NRTL. CSA requests the addition of seven test standards to the NRTL scope of recognition.

OSHA recognition of a NRTL signifies that the organization meets the requirements specified in 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within the scope of recognition. Each NRTL’s scope of recognition includes (1) the type of products the NRTL may test, with each type specified by the applicable test standard; and (2) the recognized site(s) that has/have the technical capability to perform the product-testing and product-certification activities for test standards within the NRTL’s scope. Recognition is not a delegation or grant of government authority; however, recognition enables employers to use products approved by the NRTL to meet OSHA standards that require product testing and certification.

The agency processes an application by a NRTL for initial recognition and for an expansion or renewal of this recognition, following requirements in Appendix A, 29 CFR 1910.7. This appendix requires that the agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides the preliminary finding. In the second notice, the agency provides the final decision on the application. These notices set forth the NRTL’s scope of recognition or modifications of that scope. OSHA maintains an informational web page for each NRTL, including CSA, which details the NRTL’s scope of recognition. These pages are available from the OSHA website at <http://www.osha.gov/dts/otpca/nrtl/index.html>.

CSA currently has six facilities (sites) recognized by OSHA for product testing and certification. The headquarters location is Canadian Standards Association, 178 Rexdale Boulevard, Etobicoke, Ontario, M9W 1R3, Canada. A complete list of CSA’s scope of recognition is available at <https://www.osha.gov/dts/otpca/nrtl/csa.html>.

II. General Background on the Application

CSA submitted two applications on July 17, 2019 (OSHA–2006–0042–0023) and (OSHA–2006–0042–0024), to expand their recognition to include fifteen additional test standards. The first application was amended on

February 17, 2021, because eight of the standards requested in the application are already in CSA’s NRTL scope of recognition. This expansion will cover seven test standards that OSHA is proposing to add to CSA’s recognition. OSHA staff performed detailed analysis of the application packets and reviewed

other pertinent information. OSHA did not perform any on-site reviews in relation to these applications.

Table 1 below lists the appropriate test standards found in CSA’s applications for expansion for testing and certification of products under the NRTL Program.

TABLE 1—PROPOSED LIST OF APPROPRIATE TEST STANDARDS FOR INCLUSION IN CSA’S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
UL 2108	Low-Voltage Lighting Systems.
UL 4703	Standard for Photovoltaic Wire.
UL 2594	Standard for Electric Vehicle Supply Equipment.
UL 60730–2–8	Automatic Electrical Controls for Household and Similar Use Part 2: Particular Requirements for Electrically Operated Water Valves, Including Mechanical Requirements.
UL 60079–28	Standard for Explosive Atmospheres—Part 28: Protection of Equipment and Transmission Systems Using Optical Radiation.
UL 60079–31	Standard for Explosive Atmospheres—Part 31: Equipment Dust Ignition Protection Enclosure “t”.
NFPA 496	Purged and Pressurized Enclosures for Electrical Equipment.

III. Preliminary Findings on the Application

CSA submitted acceptable applications for expansion of the scope of recognition. OSHA’s review of the application files and pertinent documentation indicates that CSA can meet the requirements prescribed by 29 CFR 1910.7 for expanding their recognition to include the addition of the seven test standards for NRTL testing and certification listed above. This preliminary finding does not constitute an interim or temporary approval of CSA’s applications.

OSHA welcomes public comment as to whether CSA meets the requirements of 29 CFR 1910.7 for expansion of the recognition as a NRTL. Comments should consist of pertinent written documents and exhibits. Commenters needing more time to comment must submit a request in writing, stating the reasons for the request. Commenters must submit the written request for an extension by the due date for comments. OSHA will limit any extension to 10 days unless the requester justifies a longer period. OSHA may deny a request for an extension if the request is not adequately justified. To obtain or review copies of the exhibits identified in this notice, as well as comments submitted to the docket, contact the Docket Office. These materials also are available online at <http://www.regulations.gov> under Docket No. OSHA–2006–0042.

OSHA staff will review all comments to the docket submitted in a timely manner and, after addressing the issues raised by these comments, will make a recommendation to the Assistant Secretary for Occupational Safety and Health as to whether to grant CSA’s

applications for expansion of the scope of recognition. The Assistant Secretary will make the final decision on granting the applications. In making this decision, the Assistant Secretary may undertake other proceedings prescribed in Appendix A to 29 CFR 1910.7.

OSHA will publish a public notice of the final decision in the **Federal Register**.

IV. Authority and Signature

James S. Frederick, Acting Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue NW, Washington, DC 20210, authorized the preparation of this notice. Accordingly, the agency is issuing this notice pursuant to Section 29 U.S.C. 657(g)(2), Secretary of Labor’s Order No. 8–2020 (85 FR 58393; Sept. 18, 2020), and 29 CFR 1910.7.

Signed at Washington, DC, on June 11, 2021.

James S. Frederick,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2021–13269 Filed 6–23–21; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2006–0028]

MET Laboratories, Inc.: Grant of Expansion of Recognition

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: In this notice, OSHA announces the final decision to expand

the scope of recognition for MET Laboratories, Inc., as a Nationally Recognized Testing Laboratory (NRTL).

DATES: The expansion of the scope of recognition becomes effective on June 24, 2021.

FOR FURTHER INFORMATION CONTACT:

Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications; telephone: (202) 693–1999; email: meilinger.francis2@dol.gov.

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration; telephone: (202) 693–2110; email: robinson.kevin@dol.gov. OSHA’s web page includes information about the NRTL Program (see <http://www.osha.gov/dts/otpc/nrtl/index.html>).

SUPPLEMENTARY INFORMATION:

I. Notice of Final Decision

OSHA hereby gives notice of the expansion of the scope of recognition of MET Laboratories, Inc. (MET), as a NRTL. MET’s expansion covers the addition of one test standard to the NRTL scope of recognition.

OSHA recognition of a NRTL signifies that the organization meets the requirements specified by 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within the scope of recognition and is not a delegation or grant of government authority. As a result of recognition, employers may use

products properly approved by the NRTL to meet OSHA standards that require testing and certification of the products.

The agency processes applications by a NRTL for initial recognition, or for expansion or renewal of this recognition, following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides the preliminary finding and, in the second notice, the agency provides the final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational web page for each NRTL that details the scope of recognition. These pages are available from the agency's website at <http://www.osha.gov/dts/otpca/nrtl/index.html>.

MET submitted an application, dated May 11, 2018 (OSHA–2006–0028–0046), to expand the recognition to include one additional test standard. OSHA staff performed a detailed analysis of the application packet and reviewed other pertinent information. OSHA did not perform any on-site reviews in relation to this application.

OSHA published the preliminary notice announcing MET's expansion application in the **Federal Register** on April 22, 2021 (86 FR 21335). The agency requested comments by May 7, 2021, but it received no comments in response to this notice. OSHA now is proceeding with this final notice to grant expansion of MET's scope of recognition.

To obtain or review copies of all public documents pertaining to MET's application, go to <http://www.regulations.gov> or contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor. Docket No. OSHA–2006–0028

contains all materials in the record concerning MET's recognition. Please note: Due to the COVID–19 pandemic, the Docket Office is closed to the public at this time but can be contacted at (202) 693–2350.

II. Final Decision and Order

OSHA staff examined MET's expansion application, the capability to meet the requirements of the test standard, and other pertinent information. Based on the review of this evidence, OSHA finds that MET meets the requirements of 29 CFR 1910.7 for expansion of the NRTL scope of recognition, subject to the limitation and conditions listed below. OSHA, therefore, is proceeding with this final notice to grant MET's scope of recognition. OSHA limits the expansion of MET's recognition to testing and certification of products for demonstration of conformance to the test standard listed in Table 1.

TABLE 1—LIST OF APPROPRIATE TEST STANDARD FOR INCLUSION IN MET'S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
UL 61010–2–010	Safety Requirements for Electrical Equipment for Measurement, Control and Laboratory Use Part 2–010: Particular requirements for Laboratory Equipment for the Heating of Materials.

OSHA's recognition of any NRTL for a particular test standard is limited to equipment or materials for which OSHA standards require third-party testing and certification before using them in the workplace. Consequently, if a test standard also covers any products for which OSHA does not require such testing and certification, a NRTL's scope of recognition does not include these products.

The American National Standards Institute (ANSI) may approve the test standard listed above as American National Standards. However, for convenience, the use of the designation of the standards-developing organization for the standard as opposed to the ANSI designation may occur. Under the NRTL Program's policy (see OSHA Instruction CPL 1–0.3, Appendix C, paragraph XIV), any NRTL recognized for a particular test standard may use either the proprietary version of the test standard or the ANSI version of that standard. Contact ANSI to determine whether a test standard is currently ANSI-approved.

A. Conditions

In addition to those conditions already required by 29 CFR 1910.7, MET must abide by the following conditions of the recognition:

1. MET must inform OSHA as soon as possible, in writing, of any change of ownership, facilities, or key personnel, and of any major change in their operations as a NRTL, and provide details of the change(s);

2. MET must meet all the terms of the NRTL recognition and comply with all OSHA policies pertaining to this recognition; and

3. MET must continue to meet the requirements for recognition, including all previously published conditions on MET's scope of recognition, in all areas for which it has recognition.

Pursuant to the authority in 29 CFR 1910.7, OSHA hereby expands the scope of recognition of MET Inc., subject to the limitations and conditions specified above.

III. Authority and Signature

James S. Frederick, Acting Assistant Secretary of Labor for Occupational Safety and Health, authorized the preparation of this notice. Accordingly, the agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 8–2020 (85 FR 58393, Sept. 18, 2020)), and 29 CFR 1910.7.

Signed at Washington, DC, on June 11, 2021.

James S. Frederick,
Acting Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2021–13270 Filed 6–23–21; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

Susan Harwood Training Grant Program, FY 2021; Availability of Funds and Funding Opportunity Announcements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice of availability of funds and funding opportunities.

SUMMARY: This notice announces availability of \$11,787,000 for Susan Harwood Training Grant Program grants. Three separate funding opportunity announcements are available for Targeted Topic Training grants, Training and Educational Materials Development grants, and two types of new Capacity Building grants: Capacity Building Pilot and Capacity Building Developmental grants.

DATES: Grant applications for Susan Harwood Training Program grants must be received electronically by the *Grants.gov* system no later than 11:59 p.m., ET, on August 23, 2021.

ADDRESSES: The complete Susan Harwood Training Grant Program funding opportunity announcements and all information needed to apply are available at the *Grants.gov* website, www.grants.gov.

FOR FURTHER INFORMATION CONTACT: Questions regarding the funding opportunity announcements should be emailed to HarwoodGrants@dol.gov or Donna Robertson, Harwood Program Coordinator, by telephone at 847-725-7805. Personnel will not be available to answer questions after 5:00 p.m., ET. To obtain further information on the Susan Harwood Training Grant Program, visit the OSHA website at www.osha.gov/harwoodgrants. Questions regarding *Grants.gov* should be emailed to Support@grants.gov or directed to Applicant Support toll free at 1-800-518-4726. Applicant Support is available 24 hours a day, 7 days a week except Federal holidays.

SUPPLEMENTARY INFORMATION:

Funding Opportunity Number: SHTG-FY-21-01 (Targeted Topic Training grants).

Funding Opportunity Number: SHTG-FY-21-02 (Training and Educational Materials Development grants).

Funding Opportunity Number: SHTG-FY-21-03 (Capacity Building grants).

Catalog of Federal Domestic Assistance Number: 17.502.

Authority and Signature

James S. Frederick, Acting Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is Section 21 of the Occupational Safety and Health Act of 1970, (29 U.S.C. 670), Public Law 113-235, and Secretary of Labor's Order No. 1-2012 (77 FR 3912).

Signed at Washington, DC.

James S. Frederick,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2021-13267 Filed 6-23-21; 8:45 am]

BILLING CODE 4510-26-P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

Susan Harwood Training Grant Program, Workplace Safety and Health Training on Infectious Diseases, Including COVID-19 Grants; Availability of Funds and Funding Opportunity Announcement

AGENCY: Occupational Safety and Health Administration (OSHA), Department of Labor.

ACTION: Notice of availability of funds and funding opportunities.

SUMMARY: This notice announces availability of \$10,000,000 for Susan Harwood Training Grant Program Workplace Safety and Health Training on Infectious Diseases, Including COVID-19 grants for non-profit organizations to conduct training for employers and workers on infectious diseases, including COVID-19 safety and health hazards in the workplace.

DATES: Grant applications for Susan Harwood Training Grant Program Workplace Safety and Health Training on Infectious Diseases, including COVID-19 grants must be received electronically by the *Grants.gov* system no later than 11:59 p.m., ET, on July 26, 2021.

ADDRESSES: The complete Susan Harwood Training Grant Program funding opportunity announcement and all information needed to apply are available at the *Grants.gov* website, www.grants.gov.

FOR FURTHER INFORMATION CONTACT: Questions regarding the funding opportunity announcement should be emailed to HarwoodGrants@dol.gov or Donna Robertson, Harwood Program Coordinator by telephone at 847-725-7805. Personnel will not be available to answer questions after 5:00 p.m., ET. To obtain further information on the Susan Harwood Training Grant Program, visit the OSHA website at www.osha.gov/harwoodgrants. Questions regarding *Grants.gov* should be emailed to Support@grants.gov or directed to Applicant Support toll free at 1-800-518-4726. Applicant Support is available 24 hours a day, 7 days a week except Federal holidays.

SUPPLEMENTARY INFORMATION:

Funding Opportunity Number: SHTG-FY-21-05 (Workplace Safety and Health Training on Infectious Diseases, Including COVID-19).

Catalog of Federal Domestic Assistance Number: 17.502.

Authority and Signature

James S. Frederick, Acting Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is Section 21 of the Occupational Safety and Health Act of 1970, (29 U.S.C. 670), Public Law 113-235, and Secretary of Labor's Order No. 8-2020 (85 FR 58393, September 18, 2020).

Signed at Washington, DC.

James S. Frederick,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2021-13266 Filed 6-23-21; 8:45 am]

BILLING CODE 4510-26-P

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

Agency Information Collection Activities; Comment Request; Request To Be Selected as Payee (CM-910)

AGENCY: Division of Coal Mine Workers' Compensation, Office of Workers' Compensation Programs, Department of Labor.

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA).

DATES: Consideration will be given to all written comments received by August 23, 2021.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free by contacting Anjanette Suggs by telephone at 202-354-9660 or by email at suggs.anjanette@dol.gov.

Submit written comments about, or requests for a copy of, this ICR by mail or courier to the U.S. Department of Labor, Office of Workers' Compensation Programs, Room S3323, and 200 Constitution Avenue NW, Washington, DC 20210; by email: suggs.anjanette@dol.gov.

FOR FURTHER INFORMATION: Contact Anjanette Suggs by telephone at 202-

354-9660 or by email at suggs.anjanette@dol.gov.

SUPPLEMENTARY INFORMATION: The DOL, as part of continuing efforts to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies an opportunity to comment on proposed and/or continuing collections of information before submitting them to the OMB for final approval. This program helps to ensure requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements can be properly assessed.

This ICR seeks approval under the PRA for an extension of an existing collection titled Request to be Selected as Payee (CM-910). If a beneficiary is incapable of handling his/her affairs, the person or institution responsible for their care is required to apply to receive the benefit payments on the beneficiary's behalf. The CM 910 is the form completed by representative payee applicants. The payee applicant completes the form and submits it for evaluation to the district office that has jurisdiction over the beneficiary's claim file. The Black Lung Benefits Act, 30 U.S.C. 901 and its implementing regulations, 20 CFR 725.513(a), 725.533(e), authorizes this information collection. See 30 U.S.C. 936(a).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB under the PRA approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. See 5 CFR 1320.5(a) and 1320.6.

Interested parties are encouraged to provide comments to the contact shown in the **ADDRESSES** section. Written comments will receive consideration, and summarized and included in the request for OMB approval of the final ICR. To help ensure appropriate consideration, comments should mention 1240-0010.

Submitted comments will also be a matter of public record for this ICR and posted on the internet, without redaction. The DOL encourages commenters not to include personally identifiable information, confidential

business data, or other sensitive statements/information in any comments.

The Department of Labor is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.
- Enhance the quality, utility and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

Agency: DOL-OWCP-DCMWC.

Type of Review: Extension.

Title of Collection: Request to be Selected as Payee.

Form: Request to be Selected as Payee, CM-910.

OMB Control Number: 1240-0010.

Affected Public: Individuals or households; Business or other for profit; Not-for-profit institutions.

Total Respondents: 200.

Total Annual Responses: 200.

Average Time per Response: 15 minutes.

Estimated Total Burden Hours: 50 hours.

Frequency: On occasion.

Total Burden Cost (capital/startup): \$0.

Total Burden Cost (operating/maintenance): \$1,230.

(Authority: 44 U.S.C. 3506(c)(2)(A)).

Anjanette Suggs,

Agency Clearance Officer.

[FR Doc. 2021-13402 Filed 6-23-21; 8:45 am]

BILLING CODE 4510-CK-P

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

Agency Information Collection Activities; Comment Request; Request for Earnings Information

AGENCY: Division of Federal Employees', Longshore and Harbor Workers' Compensation, Office of Workers'

Compensation Programs, Department of Labor.

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is soliciting comments concerning a proposed extension for the authority to conduct the information collection request (ICR) titled, "Request for Earnings Information." This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA).

DATES: Consideration will be given to all written comments received by August 23, 2021.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained for free by contacting Anjanette Suggs by telephone at 202-354-9660 or by email at suggs.anjanette@dol.gov.

Submit written comments about this ICR by mail or courier to the U.S. Department of Labor, Office of Workers' Compensation Programs, Room S3323, 200 Constitution Avenue NW, Washington, DC 20210; or by email at suggs.anjanette@dol.gov. Please note that comments submitted after the comment period will not be considered.

FOR FURTHER INFORMATION CONTACT: Anjanette Suggs by telephone at 202-354-9660 or by email at suggs.anjanette@dol.gov.

SUPPLEMENTARY INFORMATION: The DOL, as part of continuing efforts to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies an opportunity to comment on proposed and/or continuing collections of information before submitting them to the OMB for final approval. This program helps to ensure requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements can be properly assessed.

The Office of Workers' Compensation Programs administers the Longshore and Harbor Workers' Compensation Act (LHWCA). The Act provides benefits to workers injured in maritime employment on the navigable waters of the United States or in an adjoining area customarily used by an employer in loading, unloading, repairing, or building a vessel. In addition, several

acts extend the Longshore Act's coverage to certain other employees.

Pursuant to the LHWCA, injured employees shall receive compensation in an amount equal to 66-2/3 per centum of their average weekly wage. Form LS-426, Request for Earnings Information, is used by district offices to collect wage information from injured workers to assure payment of compensation benefits to injured workers at the proper rate. This information is needed for determination of compensation benefits in accordance with section 10 of the LHWCA. This information collection is currently approved for use through January 31, 2022.

Legal authority for this information collection is found at 33 U.S.C. 910.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB under the PRA approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. See 5 CFR 1320.5(a) and 1320.6.

Interested parties are encouraged to provide comments to the contact shown in the ADDRESSES section. Written comments will receive consideration, and summarized and included in the request for OMB approval of the final ICR. In order to help ensure appropriate consideration, comments should mention OMB No. 1240-0025.

Submitted comments will also be a matter of public record for this ICR and posted on the internet, without redaction. The DOL encourages commenters not to include personally identifiable information, confidential business data, or other sensitive statements/information in any comments.

The DOL is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected; and

- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: DOL-Office of Workers' Compensation Programs, DFELHWC.

Type of Review: Extension of currently approved collection.

Title of Collection: Longshore and Harbor Workers' Compensation Act Request for Earnings Information.

Form: LS-426, Request for Earnings Information.

OMB Control Number: 1240-0025.

Affected Public: Individuals or households.

Estimated Number of Respondents: 100.

Frequency: On occasion.

Total Estimated Annual Responses: 100.

Estimated Average Time per

Response: 15 minutes.

Estimated Total Annual Burden

Hours: 25 hours.

Total Estimated Annual Other Cost Burden: \$0.

Authority: 44 U.S.C. 3506(c)(2)(A)

Anjanette Suggs,

Agency Clearance Officer.

[FR Doc. 2021-13403 Filed 6-23-21; 8:45 am]

BILLING CODE 4510-CF-P

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

Agency Information Collection Activities; Comment Request; Notice of Termination, Suspension, Reduction, or Increase in Benefit Payments (CM-908)

AGENCY: Division of Coal Mine Workers' Compensation, Office of Workers' Compensation Program, Labor.

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA).

DATES: Consideration will be given to all written comments received by August 23, 2021.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free by contacting Anjanette Suggs by telephone at 202-354-9660 or by email at suggs.anjanette@dol.gov.

Submit written comments about, or requests for a copy of, this ICR by mail or courier to the U.S. Department of Labor, Office of Workers' Compensation Programs, Room S3323, and 200 Constitution Avenue NW, Washington, DC 20210; by email: suggs.anjanette@dol.gov.

FOR FURTHER INFORMATION CONTACT:

Anjanette Suggs by telephone at 202-354-9660 or by email at suggs.anjanette@dol.gov.

SUPPLEMENTARY INFORMATION: The DOL, as part of continuing efforts to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies an opportunity to comment on proposed and/or continuing collections of information before submitting them to the OMB for final approval. This program helps to ensure requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements can be properly assessed.

This ICR seeks approval under the PRA for an extension of an existing collection titled Notice of Termination, Suspension, Reduction, or Increase in Benefit Payments. Coal mine operators, their representatives, or their insurers who have been identified as responsible for paying benefits under the Black Lung Benefits Act (BLBA), 30 U.S.C. 901 *et seq.*, to an eligible miner or an eligible surviving dependent of the miner are called Responsible Operators (RO's). RO's that pay benefits are required to report any change in the benefit amount to the Department of Labor (DOL). The CM 908, when completed and sent to DOL, notifies DOL of the change in the beneficiary's benefit amount and the reason for the change. This information collection is required under the BLBA and 20 CFR 725.621.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB under the PRA approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other

provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. See 5 CFR 1320.5(a) and 1320.6.

Interested parties are encouraged to provide comments to the contact shown in the **ADDRESSES** section. Written comments will receive consideration, and summarized and included in the request for OMB approval of the final ICR. To help ensure appropriate consideration, comments should mention 1240–0030.

Submitted comments will also be a matter of public record for this ICR and posted on the internet, without redaction. The DOL encourages commenters not to include personally identifiable information, confidential business data, or other sensitive statements/information in any comments.

The Department of Labor is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.
- Enhance the quality, utility and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

Agency: DOL–OWCP–DCMWC.

Type of Review: Extension.

Title of Collection: Notice of Termination, Suspension, Reduction, or Increase in Benefit Payment.

Form: Notice of Termination, Suspension, Reduction, or Increase in Benefit Payment (CM–908).

OMB Control Number: 1240–0030.

Affected Public: Individuals or households; Business or other for profit; Not-for-profit institutions.

Total Respondents: 4,900.

Total Annual Responses: 4,900.

Average Time per Response: 12 minutes.

Estimated Total Burden Hours: 980 hours.

Frequency: On occasion and annually.

Total Burden Cost (capital/startup): \$0.

Total Burden Cost (operating/maintenance): \$16,905.

Authority: 30 U.S.C. and 20 CFR 725.621.

Anjanette Suggs,

Agency Clearance Officer.

[FR Doc. 2021–13404 Filed 6–23–21; 8:45 am]

BILLING CODE 4510–CK–P

LIBRARY OF CONGRESS

Copyright Royalty Board

[Docket No. 20–CRB–0009–SD (2019)]

Distribution of 2019 Satellite Royalty Funds

AGENCY: Copyright Royalty Board, Library of Congress.

ACTION: Notice requesting comments.

SUMMARY: The Copyright Royalty Judges solicit comments on a motion of Allocation Phase claimants for partial distribution of 2019 satellite royalty funds.

DATES: Comments are due on or before July 26, 2021.

ADDRESSES: Interested claimants must submit timely comments using eCRB, the Copyright Royalty Board's online electronic filing application, at <https://app.crb.gov>.

Instructions: All submissions must include a reference to the CRB and docket number 20–CRB–0009–SD (2019). All submissions will be posted without change to eCRB at <https://app.crb.gov> including any personal information provided.

Docket: For access to the docket to read submitted background documents or comments, go to eCRB, the Copyright Royalty Board's online electronic filing and case management system, at <https://app.crb.gov> and search for docket No. 20–CRB–0009–SD (2019).

FOR FURTHER INFORMATION CONTACT: Anita Blaine, CRB Program Specialist, by telephone at (202) 707–7658 or email at crb@loc.gov.

SUPPLEMENTARY INFORMATION: Each year satellite providers must submit royalty payments to the Register of Copyrights as required by the statutory license set forth in section 119 of the Copyright Act for the retransmission to satellite subscribers of over-the-air television broadcast signals. See 17 U.S.C. 119(b). The Copyright Royalty Judges (Judges) oversee distribution of royalties to copyright owners whose works were included in a qualifying transmission and who timely filed a claim for royalties.

Allocation of the royalties collected occurs in one of two ways. In the first instance, the Judges may authorize distribution in accordance with a negotiated settlement among all claiming parties. 17 U.S.C. 119(b)(5)(A), 801(b)(3)(A). If all claimants do not reach an agreement with respect to the royalties, the Judges must conduct a proceeding to determine the distribution of any royalties that remain in controversy. 17 U.S.C. 119(b)(5)(B), 801(b)(3)(B). Alternatively, the Judges may, on motion of claimants and on notice to all interested parties, authorize a partial distribution of royalties, reserving on deposit sufficient funds to resolve identified disputes. 17 U.S.C. 119(b)(5)(C), 801(b)(3)(C).

On June 10, 2021, representatives of all the Allocation Phase (formerly “Phase I”) claimant categories¹ filed with the Judges a motion requesting a partial distribution amounting to 40% of the 2019 satellite royalty funds on deposit pursuant to section 801(b)(3)(C) of the Copyright Act. That statutory section requires that, before ruling on the motion, the Judges publish a notice in the **Federal Register** seeking responses to the motion for partial distribution to ascertain whether any claimant entitled to receive the subject royalties has a reasonable objection to the requested distribution. 17 U.S.C. 801(b)(3)(C).

Accordingly, this notice seeks comments from interested claimants on whether any reasonable objection exists that would preclude the distribution of 40% of the 2019 satellite royalty funds to the Allocation Phase Claimants. Parties objecting to the proposed partial distribution must advise the Judges of the existence and extent of all their objections by the end of the comment period. The Judges will not consider any objections with respect to the partial distribution motion that come to their attention after the close of the comment period.

Members of the public may read the motion by accessing the Copyright Royalty Board's electronic filing and case management system at <https://app.crb.gov> and searching for Docket No. 20–CRB–0009–SD (2019).

¹ The representatives are Program Suppliers; Joint Sports Claimants; Commercial Television Claimants Group; Devotional Claimants; Broadcast Music, Inc.; American Society of Composers, Authors and Publishers; and SESAC, Inc., which represent traditionally recognized claimant categories. The Judges have not determined, and do not by this notice determine, the universe of claimant categories for 2019 satellite retransmission royalties.

Dated: June 15, 2021.

Jesse M. Feder,

Chief Copyright Royalty Judge.

[FR Doc. 2021-13418 Filed 6-23-21; 8:45 am]

BILLING CODE 1410-72-P

LIBRARY OF CONGRESS

Copyright Royalty Board

[Docket No. 20-CRB-0010-CD (2019)]

Distribution of 2019 Cable Royalty Funds

AGENCY: Copyright Royalty Board, Library of Congress.

ACTION: Notice requesting comments.

SUMMARY: The Copyright Royalty Judges solicit comments on a motion of Allocation Phase claimants for partial distribution of 2019 cable royalty funds.

DATES: Comments are due on or before July 26, 2021.

ADDRESSES: Interested claimants must submit timely comments using eCRB, the Copyright Royalty Board's online electronic filing application, at <https://app.crb.gov>.

Instructions: All submissions must include a reference to the CRB and docket number 20-CRB-0010-CD (2019). All submissions will be posted without change to eCRB at <https://app.crb.gov> including any personal information provided.

Docket: For access to the docket to read submitted background documents or comments, go to eCRB, the Copyright Royalty Board's online electronic filing and case management system, at <https://app.crb.gov> and search for docket No. 20-CRB-0010-CD (2019).

FOR FURTHER INFORMATION CONTACT: Anita Blaine, CRB Program Specialist, by telephone at (202) 707-7658 or email at crb@loc.gov.

SUPPLEMENTARY INFORMATION: Each year cable systems must submit royalty payments to the Register of Copyrights as required by the statutory license detailed in section 111 of the Copyright Act for the retransmission to cable subscribers of over-the-air television and radio broadcast signals. See 17 U.S.C. 111(d). The Copyright Royalty Judges (Judges) oversee distribution of royalties to copyright owners whose works were included in a qualifying transmission and who file a timely claim for royalties.

Allocation of the royalties collected occurs in one of two ways. In the first instance, the Judges may authorize distribution in accordance with a negotiated settlement among all claiming parties. 17 U.S.C. 111(d)(4)(A),

801(b)(3)(A). If all claimants do not reach agreement with respect to the royalties, the Judges must conduct a proceeding to determine the distribution of any royalties that remain in controversy. 17 U.S.C. 111(d)(4)(B), 801(b)(3)(B). Alternatively, the Judges may, on motion of claimants and on notice to all interested parties, authorize a partial distribution of royalties, reserving on deposit sufficient funds to resolve identified disputes. 17 U.S.C. 111(d)(4)(C), 801(b)(3)(C).

On June 10, 2021, representatives of all the Allocation Phase (formerly "Phase I") claimant categories¹ filed with the Judges a motion pursuant to section 801(b)(3)(C) of the Copyright Act requesting a partial distribution amounting to 40% of the 2019 cable royalty funds on deposit. That statutory section requires that, before ruling on the motion, the Judges publish a notice in the **Federal Register** seeking responses to the motion for partial distribution to ascertain whether any claimant entitled to receive the subject royalties has a reasonable objection to the requested distribution. 17 U.S.C. 801(b)(3)(C).

Accordingly, this notice seeks comments from interested claimants on whether any reasonable objection exists that would preclude the distribution of 40% of the 2019 cable royalty funds to the requesting claimant representatives. Parties objecting to the proposed partial distribution must advise the Judges of the existence and extent of all objections by the end of the comment period. The Judges will not consider any objections with respect to the partial distribution that come to their attention after the close of the comment period.

Members of the public may read the motion by accessing the Copyright Royalty Board's electronic filing and case management system at <https://app.crb.gov> and searching for Docket No. 20-CRB-0010-CD (2019).

Dated: June 15, 2021.

Jesse M. Feder,

Chief Copyright Royalty Judge.

[FR Doc. 2021-13432 Filed 6-23-21; 8:45 am]

BILLING CODE 1410-72-P

¹ The representatives are Program Suppliers; Joint Sports Claimants; Public Television Claimants; Devotional Claimants; Commercial Television Claimants; Canadian Claimants Group; National Public Radio; American Society of Composers, Authors and Publishers; Broadcast Music, Inc.; and SESAC, Inc. which represent traditionally recognized claimant categories. The Judges have not determined, and do not by this notice determine, the universe of claimant categories for 2019 cable retransmission royalties.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (21-041)]

Aerospace Safety Advisory Panel; Meeting

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, the National Aeronautics and Space Administration announces a forthcoming meeting of the Aerospace Safety Advisory Panel (ASAP).

DATES: Thursday, July 15, 2021, 2:00 p.m. to 3:30 p.m., Eastern Time.

ADDRESSES: This will be a virtual meeting via teleconference.

FOR FURTHER INFORMATION CONTACT: Ms. Lisa M. Hackley, ASAP Administrative Officer, NASA Headquarters, Washington, DC 20546, (202) 358-1947 or lisa.m.hackley@nasa.gov.

SUPPLEMENTARY INFORMATION: The Aerospace Safety Advisory Panel (ASAP) will hold its Third Quarterly Meeting for 2021. This discussion is pursuant to carrying out its statutory duties for which the Panel reviews, identifies, evaluates, and advises on those program activities, systems, procedures, and management activities that can contribute to program risk. Priority is given to those programs that involve the safety of human flight. The agenda will include:

- Updates on the International Space Station Program
- Updates on the Commercial Crew Program
- Updates on Exploration System Development Program
- Updates on Human Lunar Exploration Program
- NASA's Human Flight Evolution

This meeting is a virtual meeting, and only available telephonically. Any interested person may call the USA toll free conference call number 888-566-6133; passcode 8343253 and then the # sign. At the beginning of the meeting, members of the public may make a verbal presentation to the Panel on the subject of safety in NASA, not to exceed 5 minutes in length. To do so, members of the public must contact Ms. Lisa M. Hackley at lisa.m.hackley@nasa.gov or at (202) 358-1947 at least 48 hours in advance. Any member of the public is permitted to file a written statement with the Panel via electronic submission to Ms. Hackley at the email address previously noted. Verbal presentations and written statements should be

limited to the subject of safety in NASA. It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants.

Patricia Rausch,

*Advisory Committee Management Officer,
National Aeronautics and Space
Administration.*

[FR Doc. 2021-13226 Filed 6-23-21; 8:45 am]

BILLING CODE 7510-13-P

**NATIONAL ARCHIVES AND RECORDS
ADMINISTRATION**

[NARA-2021-033]

**State, Local, Tribal, and Private Sector
Policy Advisory Committee (SLTPS-
PAC); Meeting**

AGENCY: Information Security Oversight Office (ISOO), National Archives and Records Administration (NARA).

ACTION: Notice of Federal advisory committee meeting.

SUMMARY: We are announcing an upcoming meeting of the State, Local, Tribal, and Private Sector Policy Advisory Committee (SLTPS-PAC) in accordance with the Federal Advisory Committee Act and implementing regulations.

DATES: The meeting will be on July 29, 2021, from 10:00 a.m. to 12:00 p.m. EDT.

ADDRESSES: This meeting will be a virtual meeting. We will send instructions on how to access it to those who register according to the instructions below.

FOR FURTHER INFORMATION CONTACT: Robert J. Skwirot, ISOO Senior Program Analyst, by email at robert.skwirot@nara.gov or by telephone at 202.357.5398. Contact ISOO at ISOO@nara.gov.

SUPPLEMENTARY INFORMATION: This virtual meeting is open to the public in accordance with the Federal Advisory Committee Act (5 U.S.C. app 2) and implementing regulations at 41 CFR 101-6. The Committee will discuss matters relating to the classified national security information program for state, local, tribal, and private sector entities.

Procedures: Please submit the name, email address, and telephone number of people planning to attend to Robert Skwirot at ISOO (contact information above) no later than Thursday, July 22,

2021. We will provide meeting access information to those who register.

Tasha Ford,

Committee Management Officer.

[FR Doc. 2021-13366 Filed 6-23-21; 8:45 am]

BILLING CODE 7515-01-P

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meeting

The National Science Board's Executive Committee hereby gives notice of the scheduling of a teleconference for the transaction of National Science Board business as follows:

TIME AND DATE: Tuesday, June 29, 2021 from 1:00-2:00 p.m. EDT.

PLACE: This meeting will be held by teleconference through the National Science Foundation.

STATUS: Open

MATTERS TO BE CONSIDERED: Committee Chair's opening remarks; approval of Executive Committee minutes of April 24, 2021; and discuss issues and topics for an agenda of the NSB meeting scheduled for August 3-4, 2021.

CONTACT PERSON FOR MORE INFORMATION:

Point of contact for this meeting is: Nirmala Kannankutty, 703/292-8000. To listen to this teleconference, members of the public must send an email to nationalsciencebrd@nsf.gov at least 24 hours prior to the teleconference. The National Science Board Office will send requesters a toll-free dial-in number. Meeting information and updates may be found at <http://www.nsf.gov/nsb/notices/.jsp>. Please refer to the National Science Board website at www.nsf.gov/nsb for general information.

Chris Blair,

Executive Assistant to the National Science Board Office.

[FR Doc. 2021-13642 Filed 6-22-21; 4:15 pm]

BILLING CODE 7555-01-P

NATIONAL SCIENCE FOUNDATION

**Advisory Committee for Mathematical
and Physical Sciences; Notice of
Meeting**

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name and Committee Code: Advisory Committee for Mathematical and Physical Sciences (#66).

Date and Time: July 20, 2021; 11:45 a.m. to 5:00 p.m.

Place: NSF, 2415 Eisenhower Avenue, Alexandria, VA 22314 (Virtual attendance only).

To attend the virtual meeting, please send your request for the virtual meeting link to Kathleen McCloud at the following email address: kmcccloud@nsf.gov.

Type of Meeting: Open.

Contact Person: Leighann Martin, National Science Foundation, 2415 Eisenhower Avenue, Room C 9000, Alexandria, Virginia 22314; Telephone: 703/292-4659.

Summary of Minutes: Minutes and meeting materials will be available on the MPS Advisory Committee website at <http://www.nsf.gov/mps/advisory.jsp> or can be obtained from the contact person listed above.

Purpose of Meeting: To provide advice, recommendations and counsel on major goals and policies pertaining to MPS programs and activities.

Agenda

Tuesday, July 20, 2021

- Call to Order and Official Opening of the Meeting
- FACA and COI Briefing
- Approval of Prior Meeting Minutes—Catherine Hunt, MPSAC Chair
- MPS Update by Assistant Director
- AC Member Introductions
- Science Highlight
- Translation, Innovation and Partnership—Erwin Gianchandani, NSF Office of the Director
- Update on MPS AC Facilities Subcommittee
- NSF Strategic Plan: Thoughts from the AC
- Discussion of MPSAC Facilities Subcommittee
- Preparation for discussion with NSF Director and COO
- Meeting and discussion with NSF Director and COO
- Discussion of Environmental Research and Education (ERE)
- Discussion of MPS AC Award Subcommittee
- Agency Priorities and Budget Update—Caitlyn Fife, Budget Division
- Closing remarks and adjourn

Dated: June 21, 2021.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2021-13331 Filed 6-23-21; 8:45 am]

BILLING CODE 7555-01-P

NATIONAL SCIENCE FOUNDATION

**National Artificial Intelligence
Research Resource Task Force Notice
of Meeting**

In accordance with the Federal Advisory Committee Act (Pub. L. 92-

463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name and Committee Code: National Artificial Intelligence Research Resource Task Force (84629).

Date and Time: July 28, 2021; 1:00 p.m. to 5:00 p.m. EDT.

Place: NSF, 2415 Eisenhower Avenue, Alexandria, VA 22314. Virtual meeting attendance only; to attend the virtual meeting, please send your request for the virtual meeting link to the following email: cmessam@nsf.gov.

Type of Meeting: Open.

Contact Person: Brenda Williams, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314; Telephone: 703-292-8900; email: bwilliam@nsf.gov.

Purpose of Meeting: The Task Force shall investigate the feasibility and advisability of establishing and sustaining a National Artificial Intelligence Research Resource; and propose a roadmap detailing how such resource should be established and sustained.

Agenda: In this inaugural meeting, the Task Force will discuss its charter and goals; key characteristics for the National Artificial Intelligence Research Resource; the results of pilot efforts to enhance access to cloud computing resources for federally-funded researchers; and review the work plan going forward.

Dated: June 21, 2021.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2021-13332 Filed 6-23-21; 8:45 am]

BILLING CODE 7555-01-P

NUCLEAR REGULATORY COMMISSION

[NRC-2020-0204]

Information Collection: Domestic Licensing of Production and Utilization Facilities

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of submission to the Office of Management and Budget; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has recently submitted a request for renewal of an existing collection of information to the Office of Management and Budget (OMB) for review. The information collection is entitled, "Domestic Licensing of Production and Utilization Facilities."

DATES: Submit comments by July 26, 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: Written comments and recommendations 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 Review—Open for Public Comments" or by using the search function.

FOR FURTHER INFORMATION CONTACT: David Cullison, NRC Clearance Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-2084; email: Infocollects.Resource@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC-2020-0204 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov/> and search for Docket ID NRC-2020-0204.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to pdr.resource@nrc.gov. The seven supporting statements associated with the part 50 information collections and the burden table are available in ADAMS under Accession Nos. ML21116A171, ML21116A176, ML21116A177, ML21116A175, ML21116A174, ML21116A178, ML21116A173 and ML21116A179, respectively.

- *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. (ET), Monday through Friday, except Federal holidays.

- *NRC's Clearance Officer:* A copy of the collection of information and related

instructions may be obtained without charge by contacting the NRC's Clearance Officer, David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-2084; email: Infocollects.Resource@nrc.gov.

B. Submitting Comments

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment submissions are posted at <https://www.regulations.gov/> and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the OMB, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that comment submissions are not routinely edited to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the NRC recently submitted a request for renewal of an existing collection of information to OMB for review entitled, "Domestic Licensing of Production and Utilization Facilities." The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The NRC published a **Federal Register** notice with a 60-day comment period on this information collection on February 19, 2021 (86 FR 10360).

1. *The title of the information collection:* "Domestic Licensing of Production and Utilization Facilities."
2. *OMB approval number:* 3150-0011.
3. *Type of submission:* Extension.
4. *The form number, if applicable:* Not Applicable.

5. *How often the collection is required or requested:* As necessary in order for the NRC to meet its responsibilities to conduct a detailed review of applications for licenses and amendments thereto to construct and operate nuclear power plants, preliminary or final design approvals, design certifications, research and test

facilities, reprocessing plants and other utilization and production facilities, licensed pursuant to the Atomic Energy Act of 1954, as amended (the Act) and to monitor their activities. Reports are submitted daily, monthly, quarterly, annually, semi-annually, and on occasion.

6. *Who will be required or asked to respond:* Licensees and applicants for or holder of an operating license or construction permit, applicant for a standard design certification under part 52 of this chapter or an applicant for or holder of a standard design approval, a combined license and research and test facilities.

7. *The estimated number of annual responses:* 42,244 (42,078 reporting responses + 164 recordkeepers + 2 third-party disclosure responses).

8. *The estimated number of annual respondents:* 164.

9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 3.6M hours (1.2M hours reporting + 2.4M hours recordkeeping + 200 hours third-party disclosure).

10. *Abstract:* Part 50 of title 10 of the Code of Federal Regulations (10 CFR), "Domestic Licensing of Production and Utilization Facilities," specifies technical information and data to be provided to the NRC or maintained by applicants and licensees so that the NRC may take determinations necessary to protect the health and safety of the public, in accordance with the Atomic Energy Act of 1954, as amended. The reporting and recordkeeping requirements contained in 10 CFR part 50 are mandatory for the affected licensees and applicants.

Dated: June 16, 2021.

For the Nuclear Regulatory Commission.

David C. Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2021-13473 Filed 6-23-21; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[NRC-2020-0276]

Information Collection: Physical Protection of Plants and Materials

AGENCY: Nuclear Regulatory Commission.

ACTION: Renewal of existing information collection; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites public comment on the renewal of Office of

Management and Budget (OMB) approval for an existing collection of information. The information collection is entitled, "Physical Protection of Plants and Materials."

DATES: Submit comments by August 23, 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-2020-0276. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *Mail comments to:* David Cullison, Office of the Chief Information Officer, Mail Stop: T-6 A10M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

For additional direction on obtaining information and submitting comments, see "Obtaining Information and Submitting Comments" in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-2084; email: Infocollects.Resource@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC-2020-0276 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2020-0276. A copy of the collection of information and related instructions may be obtained without charge by accessing Docket ID NRC-2020-0276 on this website.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For

problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to pdr.resource@nrc.gov. The supporting statement and 10 CFR part 73 Burden Tables are available in ADAMS under Accession Nos. ML21101A002 and ML21101A001.

- *Attention:* The PDR, where you may examine and order copies of public documents, is currently closed. You may submit your request to the PDR via email at pdr.resource@nrc.gov or call 1-800-397-4209 or 301-415-4737, between 8:00 a.m. and 4:00 p.m. (EST), Monday through Friday, except Federal holidays.

- *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC's Clearance Officer, David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-2084; email: Infocollects.Resource@nrc.gov.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal Rulemaking Website (<https://www.regulations.gov>). Please include Docket ID NRC-2020-0276 in your comment submission.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment submissions are posted at <https://www.regulations.gov> and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the OMB, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that comment submissions are not routinely edited to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the NRC is requesting public comment on its intention to request the OMB's approval for the information collection summarized below.

1. *The title of the information collection:* Part 73 of title 10 of the Code

of *Federal Regulations* (10 CFR), “Physical Protection of Plants and Materials.”

2. *OMB approval number*: 3150–0002.

3. *Type of submission*: Extension.

4. *The form number, if applicable*: N/A.

5. *How often the collection is required or requested*: Once for the initial submittal of Cyber Security Plans, Physical Security Plans, Safeguards Contingency Plans, and Security Training and Qualification Plans and then on occasion when changes are made. Required reports are submitted and evaluated as events occur.

6. *Who will be required or asked to respond*: Nuclear power reactor licensees licensed under 10 CFR parts 50 or 52 who possess, use, import, export, transport, or deliver to a carrier for transport, special nuclear material; actively decommissioning reactor licensees; Category I, Category II and Category III fuel facilities; nonpower reactors (research and test reactors); and other entities who mark and handle Safeguards Information.

7. *The estimated number of annual responses*: 130,968 (40,889 reporting responses + 89,869 third party disclosure responses + 210 record keepers).

8. *The estimated number of annual respondents*: 210 (56 power reactors; 20 decommissioning reactor facilities; 2 Category I fuel facilities; 5 Category II and III fuel facilities; 31 nonpower reactors; and 96 other entities who mark and handle Safeguards Information).

9. *The estimated number of hours needed annually to comply with the information collection requirement or request*: 495,892 hours (22,631 reporting + 451,788 recordkeeping + 21,473 third party disclosure).

10. *Abstract*: The NRC regulations in 10 CFR part 73 prescribe requirements to establish and maintain a physical protection system and security organization with capabilities for protection of: (1) Special nuclear material (SNM) at fixed sites, (2) SNM in transit, and (3) plants in which SNM is used. 10 CFR part 73 contains reporting and recordkeeping requirements which are necessary to help ensure that an adequate level of protection is provided for nuclear facilities and nuclear material, such as: Development and maintenance of security documents including a physical security plan, a training and qualification plan, a safeguards contingency plan, a cyber security plan, and security implementing procedures; notifications to the NRC regarding safeguards and cyber security events; notifications to state governors and

tribes of shipments of irradiated reactor fuel; and requirements for conducting criminal history records checks of individuals granted unescorted access to a nuclear power facility, a non-power reactor, or access to Safeguards Information. The objective is to ensure that activities involving special nuclear material are consistent with interests of common defense and security and that these activities do not constitute an unreasonable risk to public health and safety. The information in the reports and records submitted by licensees is used by the NRC staff to ensure that the health and safety of the public and the environment are protected, and licensee possession and use of special nuclear material is in compliance with license and regulatory requirements.

III. Specific Requests for Comments

The NRC is seeking comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?
2. Is the estimate of the burden of the information collection accurate?
3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?
4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

Dated: June 14, 2021.

For the Nuclear Regulatory Commission.

David C. Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2021–13475 Filed 6–23–21; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–003, 50–247, 50–286, and 72–051; NRC–2021–0125]

Holtec Decommissioning International, LLC; Indian Point Nuclear Generating, Unit Nos. 1, 2, and 3; Post-Shutdown Decommissioning Activities Report

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of receipt; availability; public meeting; and request for comment.

SUMMARY: On December 19, 2019, Holtec Decommissioning International, LLC (HDI) submitted to the U.S. Nuclear Regulatory Commission (NRC) a letter enclosing the post-shutdown

decommissioning activities report (PSDAR) for the Indian Point Nuclear Generating, Unit Nos. 1, 2, and 3 (Indian Point Energy Center (IPEC)), contingent upon the transfer of the IPEC licenses to HDI. The PSDAR, which includes the site-specific decommissioning cost estimate (DCE), provides an overview of HDI’s planned activities, schedule, projected costs, and environmental impacts for the decommissioning of the IPEC. The IPEC license transfer transaction closed on May 28, 2021. Accordingly, the NRC is noticing receipt of the PSDAR and making it available for public comment. The NRC will hold a public meeting in the vicinity of the IPEC to discuss the PSDAR’s content and receive comments. The date, time, and location of the meeting will be provided in a future **Federal Register** notice.

DATES: Submit comments by October 22, 2021. Comments received after this date will be considered, if it is practical to do so, but the NRC is able to ensure consideration only for comments received 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–2021–0125. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: Stacy.Schumann@nrc.gov. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *Mail comments to*: Office of Administration, Mail Stop: TWFN–7–A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Program Management, Announcements and Editing Staff.

For additional direction on obtaining information and submitting comments, see “Obtaining Information and Submitting Comments” in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Richard V. Guzman, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–1030; email: Richard.Guzman@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2021–0125 when contacting the NRC about

the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website*: Go to <https://www.regulations.gov> and search for Docket ID NRC-2021-0125.
- *NRC's Agencywide Documents Access and Management System (ADAMS)*: You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to pdr.resource@nrc.gov. The IPEC PSDAR is available in ADAMS under Accession No. ML19354A698.

- *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.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal Rulemaking website (<https://www.regulations.gov>). Please include Docket ID NRC-2021-0125 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at <https://www.regulations.gov> as well as entering the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Discussion

HDI has the authority to conduct licensed activities under Provisional License No. DPR-5, Renewed Facility

License No. DPR-26, and Renewed Facility License No. DPR-64 for the IPEC and the general license for the IPEC independent spent fuel storage installation. These licenses provide, among other things, that the respective facilities are subject to all rules, regulations, and orders of the NRC now or hereafter in effect. The facilities consist of three pressurized-water reactors located in Buchanan, New York, in Westchester County, all of which are permanently shutdown.

On December 19, 2019, HDI submitted to the NRC the PSDAR for the IPEC, contingent upon the transfer of the IPEC licenses to HDI (ADAMS Accession No. ML19354A698). Paragraph 50.82(a)(4)(i) of title 10 of the *Code of Federal Regulations* (10 CFR) states that a PSDAR must contain a description of the planned decommissioning activities along with a schedule for their accomplishment, a discussion that provides the reasons for concluding that the environmental impacts associated with site-specific decommissioning activities will be bounded by appropriate previously issued environmental impact statements, and a site-specific DCE, including the projected cost of managing irradiated fuel. The IPEC license transfer transaction closed on May 28, 2021. Accordingly, pursuant to 10 CFR 50.82(a)(4)(ii), the NRC is noticing receipt of the PSDAR and making it available for public comment.

III. Request for Comment and Public Meeting

The NRC is requesting public comments on the PSDAR, including the DCE, for the IPEC. The NRC will hold a public meeting in the vicinity of the IPEC to discuss the PSDAR's content and receive comments. The date, time, and location of the meeting will be provided in a future **Federal Register** notice. The NRC requests that comments that are not provided during the meeting be submitted as noted in section I, "Obtaining Information and Submitting Comments," of this document in writing by October 22, 2021.

Dated: June 15, 2021.

For the Nuclear Regulatory Commission.

James G. Danna,

Chief, Plant Licensing Branch I, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2021-13474 Filed 6-23-21; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[NRC-2021-0091]

Use of Plant Parameter Envelope in Early Site Permit Applications

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft regulatory guide; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment a draft regulatory guide (DG), DG-4029, "Use of Plant Parameter Envelope in Early Site Permit Applications." DG-4029 is a new regulatory guide that proposes guidance for nuclear power plant applicants that elect to use the plant parameter envelope (PPE) concept to assume certain design parameters for an early site permit (ESP) application when a specific reactor technology has not been selected for a proposed site. It incorporates the PPE portions of NRC Review Standard (RS)-002, "Processing Applications for Early Site Permits." The issuance of this DG allows the NRC staff to withdraw the outdated guidance in RS-002 while retaining the PPE information in it for future use by prospective ESP applicants.

DATES: Submit comments by August 9, 2021. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date. Although a time limit is given, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.

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-2021-0091. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301-415-0624; email: Stacy.Schumann@nrc.gov. For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *Mail comments to*: Office of Administration, Mail Stop: TWFN-7-A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, ATTN: Program Management, Announcements, and Editing Staff.

For additional direction on obtaining information and submitting comments,

see “Obtaining Information and Submitting Comments” in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Edward O’Donnell, Office of Nuclear Regulatory Research, telephone: 301–415–3317, email: Edward.ODonnell@nrc.gov and LUISSETTE Candelario, Office of Nuclear Reactor Regulation, telephone: 301–415–8189, email: Luisette.Candelario@nrc.gov. Both are staff of the U. S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2021–0091 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC–2021–0091.
- *NRC’s Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select “Begin Web-based ADAMS Search.” For problems with ADAMS, please contact the NRC’s Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to pdr.resource@nrc.gov. DG–4029, “Use of the Plant Parameter Envelope in Early Site Permit Applications” is available in ADAMS under Accession No. ML21049A181.

- *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. (ET), Monday through Friday, except Federal holidays.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal Rulemaking website (<https://www.regulations.gov>). Please include Docket ID NRC–2021–0091 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at [https://](https://www.regulations.gov)

www.regulations.gov as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Additional Information

The NRC is issuing for public comment a draft guide in the NRC’s “Regulatory Guide” series. This series was developed to describe methods that are acceptable to the NRC staff for implementing specific parts of the agency’s regulations, to explain techniques that the staff uses in evaluating specific issues or postulated events, and to describe information that the staff needs in its review of applications for permits and licenses.

The issuance of this DG allows the NRC staff to withdraw the outdated guidance in RS–002 while retaining the PPE information in DG–4029 for future use by prospective ESP applicants. Therefore, NRC staff is withdrawing RS–002 in conjunction with the issuance of DG–4029.

The DG, entitled, “Use of Plant Parameter Envelope in Early Site Permit Applications” is a proposed new guide temporarily identified by its task number, DG–4029. It proposes guidance for ESP applicants that elect to use the PPE concept to postulate certain design parameters when a specific reactor technology has not been selected for a proposed site. The guide incorporates the guidance on PPE found in NRC’s Office of Nuclear Reactor Regulation RS–002, “Processing Applications for Early Site Permits,” (ADAMS Accession No. ML040700236). Subsequent to issuance of RS–002 in 2004, many sections of it have been superseded and do not fully reflect the NRC’s implementation of a risk-informed, performance-based approach to licensing. The issuance of this DG allows the NRC staff to withdraw the outdated guidance in RS–002 while retaining the PPE information for future use by prospective ESP applicants.

The staff is also issuing for public comment a regulatory analysis (ADAMS Accession No. ML21049A182). The staff develops a regulatory analysis to assess

the value of issuing or revising a regulatory guide as well as alternative courses of action. The analysis provides the public with an insight in how the NRC arrives at a regulatory decision.

III. Backfitting, Forward Fitting, and Issue Finality

Issuance of DG–4029, if finalized, would not constitute backfitting as that term is defined in section 50.109 of title 10 of the *Code of Federal Regulations* (10 CFR) section, “Backfitting,” and as described in NRC Management Directive (MD) 8.4, “Management of Backfitting, Forward Fitting, Issue Finality, and Information Requests”; constitute forward fitting as that term is defined and described in MD 8.4; or affect issue finality of any approval issued under 10 CFR part 52, “Licenses, Certificates, and Approvals for Nuclear Power Plants.” As explained in DG–4029, applicants and licensees are not required to comply with the positions set forth in DG–4029.

Dated: June 16, 2021.

For the Nuclear Regulatory Commission.

Meraj Rahimi,

Chief, Regulatory Guidance and Project Management Branch, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. 2021–13472 Filed 6–23–21; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2021–101 and CP2021–104; MC2021–102 and CP2021–105]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is acknowledging a recent Postal Service filing for the Commission’s consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* June 22, 2021.

ADDRESSES: Submit comments electronically via the Commission’s Filing Online system at <http://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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- I. Introduction
 II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (<http://www.prc.gov>). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.¹

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3030, and 39 CFR part 3040, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3040, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. Docket No(s): MC2021-101 and CP2021-104; Filing Title: USPS Request to Add Priority Mail & First-Class Package Service Contract 195 to Competitive Product List and Notice of Filing Materials Under Seal; Filing

Acceptance Date: June 14, 2021; Filing Authority: 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; Public Representative: Kenneth R. Moeller; Comments Due: June 22, 2021.

2. Docket No(s): MC2021-102 and CP2021-105; Filing Title: USPS Request to Add Priority Mail & First-Class Package Service Contract 196 to Competitive Product List and Notice of Filing Materials Under Seal; Filing Acceptance Date: June 14, 2021; Filing Authority: 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; Public Representative: Kenneth R. Moeller; Comments Due: June 22, 2021.

This Notice will be published in the **Federal Register**.

Mallory Smith,

Federal Register Liaison.

[FR Doc. 2021-13316 Filed 6-23-21; 8:45 am]

BILLING CODE 7710-FW-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-92209; File No. SR-PEARL-2021-27]

Self-Regulatory Organizations; MIA X PEARL, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the MIA X Pearl Options Fee Schedule To Adopt Fees for a New Data Product Known as the Liquidity Taker Event Report

June 17, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on June 7, 2021, MIA X PEARL, LLC ("MIA X Pearl" or "Exchange") filed with the Securities and Exchange Commission ("Commission") a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend the MIA X Pearl Fee Schedule (the "Fee Schedule") to adopt fees for a new data product to be known as the Liquidity Taker Event Report.³

The text of the proposed rule change is available on the Exchange's website at <http://www.miaoptions.com/rule-filings/pearl> at MIA X Pearl's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange recently adopted a new data product known as the Liquidity Taker Event Report (the "Report"), which will be available for purchase to Exchange Members⁴ on a voluntary basis. The Exchange now proposes to adopt fees for the Report. The Report was recently approved by the Securities and Exchange Commission ("Commission") and is described under Exchange Rule 531(a).⁵ The Report is an optional product available to Members.

By way of background, the Report is a daily report that provides a Member ("Recipient Member") with its liquidity response time details for executions of an order resting on the Book,⁶ where that Recipient Member attempted to execute against such resting order⁷ within a certain timeframe. It is important to note that the content of the Report is specific to the Recipient Member and the Report will not include

⁴ "Member" means an individual or organization that is registered with the Exchange pursuant to Chapter II of Exchange Rules for purposes of trading on the Exchange as an "Electronic Exchange Member" or "Market Maker." Members are deemed "members" under the Exchange Act. See the Definitions Section of the Fee Schedule and Exchange Rule 100.

⁵ See Securities Exchange Act Release No. 92082 (June 1, 2021) (SR-PEARL-2021-25).

⁶ The term "Book" means the electronic book of buy and sell orders and quotes maintained by the System. See Exchange Rule 100. The term "System" means the automated trading system used by the Exchange for the trading of securities. See *id.*

⁷ Only displayed orders will be included in the Report. The Exchange notes that it does not currently offer any non-displayed orders types on its options trading platform.

¹ See Docket No. RM2018-3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19-22 (Order No. 4679).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See, generally, Exchange Rule 531(a).

any information related to any Member other than the Recipient Member.

The following information is included in the Report regarding the resting order: (A) The time the resting order was received by the Exchange; (B) symbol; (C) order reference number, which is a unique reference number assigned to a new order at the time of receipt; (D) whether the Recipient Member is an Affiliate⁸ of the Member that entered the resting order;⁹ (E) origin type (e.g., Priority Customer,¹⁰ Market Maker)¹¹; (F) side (buy or sell); and (G) displayed price and size of the resting order.¹²

The following information is included in the Report regarding the execution of the resting order: (A) The PBBO¹³ at the time of execution;¹⁴ (B) the ABBO¹⁵ at the time of execution;¹⁶ (C) the time first response that executes against the resting order was received by the Exchange and the size of the execution

⁸ The term “affiliate” of or person “affiliated with” another person means a person who, directly, or indirectly, controls, is controlled by, or is under common control with, such other person. See Exchange Rule 100.

⁹ The Report will simply indicate whether the Recipient Member is Affiliate of the Member that entered the resting order and not include any other information that may indicate the identity of the Member that entered the resting order.

¹⁰ The term “Priority Customer” means a person or entity that (i) is not a broker or dealer in securities, and (ii) does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). The number of orders shall be counted in accordance with Interpretation and Policy .01 to Exchange Rule 100. See Exchange Rule 100.

¹¹ The term “Market Makers” refers to “Lead Market Makers”, “Primary Lead Market Makers” and “Registered Market Makers” collectively. See Exchange Rule 100.

¹² This information is also included in the Missed Opportunity—Latency Report, which is a similar report for equity securities that is offered by the NASDAQ Stock Market, LLC (the “NASDAQ Report”). See NASDAQ Equity Section 7, Rule 146(a)(2). The Exchange notes that the displayed price and size are also disseminated via the Exchange’s proprietary data feeds and the Options Price Reporting Authority (“OPRA”). The Exchange also notes that the displayed price of the resting order may be different than the ultimate execution price. This may occur when a resting order is displayed and ranked at different prices upon entry to avoid a locked or crossed market.

¹³ The term “PBBO” means the best bid or offer on the Pearl Exchange. See Exchange Rule 100.

¹⁴ Exchange Rule 531(a)(1)(ii)(B) provides that if the resting order executes against multiple contra-side responses, only the PBBO at the time of the execution against the first response will be included.

¹⁵ The term “ABBO” or “Away Best Bid or Offer” means the best bid(s) or offer(s) disseminated by other Eligible Exchanges (defined in Exchange Rule 1400(g)) and calculated by the Exchange based on market information received by the Exchange from OPRA. See Exchange Rule 100.

¹⁶ Exchange Rule 531(a)(1)(ii)(A) further provides that if the resting order executes against multiple contra-side responses, only the ABBO at the time of the execution against the first response will be included.

and type of the response;¹⁷ (D) the time difference between the time the resting order was received by the Exchange and the time the first response that executes against the resting order was received by the Exchange;¹⁸ and (E) whether the response was entered by the Recipient Member. If the resting order executes against multiple contra-side responses, only the PBBO and ABBO at the time of the execution against the first response will be included.

The following information is included in the Report regarding response(s) sent by the Recipient Member: (A) Recipient Member identifier; (B) the time difference between the time the first response that executes against the resting order was received by the Exchange and the time of each response sent by the Recipient Member, regardless of whether it executed or not;¹⁹ (C) size and type of each response submitted by Recipient Member; and (D) response reference number, which is a unique reference number attached to the response by the Recipient Member.

The Report includes the data set for executions and contra-side responses that occurred within 200 microseconds of the time the resting order was received by the Exchange. The Report contains historical data from the prior trading day and will be available after the end of the trading day, generally on a T+1 basis. The Report does not include real-time data.

The Exchange believes the additional data points from the matching engine outlined above may help Members gain a better understanding about their own interactions with the Exchange. The Exchange believes the Report will provide Members with an opportunity to learn more about better opportunities to access liquidity and receive better execution rates. The Report will increase transparency and democratize information so that all firms that subscribe to the Report have access to the same information on an equal basis, even for firms that do not have the appropriate resources to generate a similar report regarding interactions with the Exchange.

¹⁷ The time the Exchange received the response order would be in nanoseconds and would be the time the response was received by the Exchange’s network, which is before the time the response would be received by the System.

¹⁸ The time difference would be provided in nanoseconds.

¹⁹ For purposes of calculating this duration of time, the Exchange will use the time the resting order and the Recipient Member’s response(s) is received by the Exchange’s network, both of which would be before the order and response(s) would be received by the System. This time difference would be provided in nanoseconds.

Members generally would use a liquidity accessing order if there is a high probability that it will execute against an order resting on the Exchange’s Book. The Report identifies by how much time an order that may have been marketable missed an execution. The Report will provide greater visibility into the missed trading execution, which will allow Members to optimize their models and trading patterns to yield better execution results.

The Report will be a Member-specific report and will help Members to better understand by how much time a particular order missed executing against a specific resting order, thus allowing that Member to determine whether it wants to invest in the necessary resources and technology to mitigate missed executions against certain resting orders on the Exchange’s Book.

The Exchange proposes to provide the Report in response to Member demand for data concerning the timeliness of their incoming orders and executions against resting orders. Members have periodically requested from the Exchange’s trading operations personnel information concerning the timeliness of their incoming orders and efficacy of their attempts to execute against resting liquidity on the Exchange’s Book. The purpose of the Report is to provide Members the necessary data in a standardized format on a T+1 basis to those that subscribe to the Report on an equal basis.

The product is offered to Members on a completely voluntary basis in that the Exchange is not required by any rule or regulation to make this data available and potential subscribers may purchase the Report only if they voluntarily choose to do so. It is a business decision of each Member whether to subscribe to the Report or not.

The Exchange proposes to adopt new Section 7), Reports, in its Fee Schedule, which will provide that Members may purchase the Report on a monthly or annual (12-month) basis. The Exchange proposes to assess a monthly fee of \$4,000 per month and a fee of \$24,000 per year for a 12-month subscription for the Report. Members may cancel their subscription at any time. The Exchange also proposes to specify that for mid-month subscriptions, new subscribers will be charged for the full calendar month for which they subscribe and will be provided Report data for each trading day of the calendar month prior to the day on which they subscribed.

The Exchange intends to begin to offer the Report and charge the proposed fees on June 7, 2021.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,²⁰ in general, and furthers the objectives of Section 6(b)(5) of the Act,²¹ in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and to protect investors and the public interest, and that it is not designed to permit unfair discrimination among customers, brokers, or dealers. The Exchange also believes that its proposal to adopt fees for the Report is consistent with Section 6(b) of the Act²² in general, and furthers the objectives of Section 6(b)(4) of the Act²³ in particular, in that it is an equitable allocation of dues, fees and other charges among its Members and other recipients of Exchange data.

In adopting Regulation NMS, the Commission granted self-regulatory organizations (“SROs”) and broker-dealers increased authority and flexibility to offer new and unique market data to the public. It was believed that this authority would expand the amount of data available to consumers, and also spur innovation and competition for the provision of market data. The Exchange believes that the Report further broadens the availability of U.S. option market data to investors consistent with the principles of Regulation NMS. The Report also promotes increased transparency through the dissemination of the Report. Particularly, the Report will benefit investors by facilitating their prompt access to the value added information that is included in the Report. The Report will allow Members to access information regarding their trading activity that they may utilize to evaluate their own trading behavior and order interactions.

The Exchange operates in a highly competitive environment. Indeed, there are currently 16 registered options exchanges that trade options. Based on publicly available information, no single options exchange has more than 15% of the market share and currently the Exchange represents only approximately 5.29% of the market share.²⁴ The

Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Particularly, 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.”²⁵ Making similar data products available to market participants fosters competition in the marketplace, and constrains the ability of exchanges to charge supra-competitive fees. In the event that a market participant views one exchange’s data product as more attractive than the competition, that market participant can, and often does, switch between similar products. The proposed fees are a result of the competitive environment of the U.S. options industry as the Exchange seeks to adopt fees to attract purchasers of the recently introduced Report.

The Exchange believes the proposed fees are reasonable as the proposed fees are both modest and similar to fees assessed by other exchanges that provide similar data products.²⁶ Indeed, if the Exchange proposed fees that market participants viewed as excessively high, then the proposed fees would simply serve to reduce demand for the Exchange’s data product, which as noted, is entirely optional. Other options exchanges are also free to introduce their own comparable data products with lower prices to better compete with the Exchange’s offering. As such, the Exchange believes that the proposed fees are reasonable and set at a level to compete with other options exchanges that may choose to offer similar reports. Moreover, if a market participant views another exchange’s potential report as more attractive, then such market participant can merely

choose not to purchase the Exchange’s Report and instead purchase another exchange’s similar data product, which may offer similar data points, albeit based on that other market’s trading activity.

The Exchange also believes providing an annual subscription for an overall lower fee than a monthly subscription is equitable and reasonable because it would enable the Exchange to gauge long-term interest in the Report. A lower annual subscription fee would also incentivize Members to subscribe to the Report on a long-term basis, thereby improving the efficiency by which the Exchange may deliver the Report by doing so on a regular basis over a prolonged and set period of time. The Exchange notes that other exchanges provide annual subscriptions for reports concerning their data product offerings.²⁷

The Exchange also believes the proposed fees are reasonable as they would support the introduction of a new market data product to Members that are interested in gaining insight into latency in connection with orders that failed to execute against an order resting on the Exchange’s Book. The Report accomplishes this by providing those Members data to analyze by how much time their order may have missed an execution against a contra-side order resting on the Book. Members may use this data to optimize their models and trading patterns in an effort to yield better execution results by calculating by how much time their order may have missed an execution.

Selling market data, such as the Report, is also a means by which exchanges compete to attract business. To the extent that the Exchange is successful in attracting subscribers for the Report, it may earn trading revenues and further enhance the value of its data products. If the market deems the proposed fees to be unfair or inequitable, firms can diminish or discontinue their use of the data and/or avail themselves of similar products offered by other exchanges.²⁸ The Exchange therefore believes that the proposed fees for the Report reflect the competitive environment and would be properly assessed on Member users. The Exchange also believes the proposed fees are equitable and not unfairly discriminatory as the fees would apply equally to all users who choose to purchase such data. It is a business

²⁵ See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (“Regulation NMS Adopting Release”).

²⁶ The NASDAQ Stock Market LLC (“NASDAQ”) charges fees ranging from \$1,500 to \$3,500 per month for a similar report for equity securities called the Missed Opportunity—Latency report as part of its NASDAQ Trader Insights offering. See NASDAQ Equity Section 7, Rule 146(a)(2). See also the CME Group, Inc.’s Time and Sale report. [https://www.cmegroup.com/trading/about-time-sales.html#:~:text=CME%20Globex%20Options%20Group’s%20Time%20%26%20Sales%20report%20provides%20the%20price%20and%20time,calendar%20date\)%20of%20the%20transaction.&text=A%20zero%20volume%20represents%20an%20indicative%20price,-The%20Indicator%20column](https://www.cmegroup.com/trading/about-time-sales.html#:~:text=CME%20Globex%20Options%20Group’s%20Time%20%26%20Sales%20report%20provides%20the%20price%20and%20time,calendar%20date)%20of%20the%20transaction.&text=A%20zero%20volume%20represents%20an%20indicative%20price,-The%20Indicator%20column).

²⁷ Cboe Exchange, Inc. (“Cboe”) assesses a \$24,000 annual fee for an intra-day subscription to Open-Close Data. See <https://datashop.cboe.com/options-summary-subscription>.

²⁸ See *supra* note 26.

²⁰ 15 U.S.C. 78f(b).

²¹ 15 U.S.C. 78f(b)(5).

²² 15 U.S.C. 78f(b).

²³ 15 U.S.C. 78f(b)(4).

²⁴ See Cboe Global Markets U.S. Options Market Month-to-Date Volume Summary (June 1, 2021), available at https://markets.cboe.com/us/options/market_statistics/.

decision of each Member that chooses to purchase the Report. The Exchange's proposed fees would not differentiate between subscribers that purchase the Report and are set at a modest level that would allow any interested Member to purchase such data based on their business needs.

The Exchange reiterates that the decision as to whether or not to purchase the Report is entirely optional for all potential subscribers. Indeed, no market participant is required to purchase the Report, and the Exchange is not required to make the Report available to all investors. It is entirely a business decision of each Member to subscribe to the Report. The Exchange offers the Report as a convenience to Members to provide them with additional information regarding trading activity on the Exchange on a delayed basis after the close of regular trading hours. A Member that chooses to subscribe to the Report may discontinue receiving the Report at any time if that Member determines that the information contained in the Report is no longer useful.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange made the Report available in order to keep pace with changes in the industry and evolving customer needs and demands, and believes the data product will contribute to robust competition among national securities exchanges. As a result, the Exchange believes this proposed rule change permits fair competition among national securities exchanges.

The Exchange also does not believe the proposed fees would cause any unnecessary or inappropriate burden on intermarket competition as other exchanges are free to introduce their own comparable data product with lower prices to better compete with the Exchange's offering. The Exchange operates in a highly competitive environment, and its ability to price the Report is constrained by competition among exchanges who choose to adopt a similar product. The Exchange must consider this in its pricing discipline in order to compete for the market data. For example, proposing fees that are excessively higher than fees for potentially similar data products would

simply serve to reduce demand for the Exchange's data product, which as discussed, market participants are under no obligation to utilize. In this competitive environment, potential purchasers are free to choose which, if any, similar product to purchase to satisfy their need for market information. As a result, the Exchange believes this proposed rule change permits fair competition among national securities exchanges.

The Exchange does not believe the proposed rule change would cause any unnecessary or inappropriate burden on intramarket competition. Particularly, the proposed product and fees apply uniformly to any purchaser in that the Exchange does not differentiate between subscribers that purchase the Report. The proposed fees are set at a modest level that would allow any interested Member to purchase such data based on their business needs.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,²⁹ and Rule 19b-4(f)(2)³⁰ 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 shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

²⁹ 15 U.S.C. 78s(b)(3)(A)(ii).

³⁰ 17 CFR 240.19b-4(f)(2).

Electronic Comments

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-PEARL-2021-27 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to File Number SR-PEARL-2021-27. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-PEARL-2021-27 and should be submitted on or before July 15, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.³¹

J. Matthew DeLesDernier,

Assistant Secretary.

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³¹ 17 CFR 200.30-3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-92168; File No. SR-CboeBZX-2021-043]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Open-Close Data Fees

June 14, 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 1, 2021, Cboe BZX Exchange, Inc. (the “Exchange” or “BZX”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I and II 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 BZX Exchange, Inc. (the “Exchange” or “BZX Options”) is filing with the Securities and Exchange Commission (“Commission”) a proposed rule change to amend Open-Close Data fees. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange’s website (http://markets.cboe.com/us/equities/regulation/rule_filings/bzx/), at the Exchange’s Office of the Secretary, and at the Commission’s Public Reference Room.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fees Schedule to (i) adopt an academic discount for its historical End-of-Day Open-Close and Intraday Open-Close data and (ii) offer a free trial during the months of June and July 2021 for an ad hoc request of three (3) historical months of Intraday Open-Close historical data to all Members and non-Members who have never before subscribed to the Intraday Open-Close historical files.

By way of background, the Exchange historically offered Open-Close Data, which is an end-of-day volume summary of trading activity on the Exchange at the option level by origin (customer, professional customer, broker-dealer, and market maker), side of the market (buy or sell), price, and transaction type (opening or closing) (“End-of-Day Open-Close Data”). The customer and professional customer volume is further broken down into trade size buckets (less than 100 contracts, 100–199 contracts, greater than 199 contracts). The Open-Close Data is proprietary BZX Options trade data and does not include trade data from any other exchange. It is also a historical data product and not a real-time data feed. The recently adopted Intraday Open-Close Data provides similar information to that of Open-Close Data but is produced and updated every 10 minutes during the trading day. Data is captured in “snapshots” taken every 10 minutes throughout the trading day and is available to subscribers within five minutes of the conclusion of each 10-minute period.³ The Intraday Open-Close Data provides a volume summary of trading activity on the Exchange at the option level by origin (customer, professional customer, broker-dealer, and market maker), side of the market (buy or sell), and transaction type (opening or closing). The customer and professional customer volume are further broken down into trade size buckets (less than 100 contracts, 100–199 contracts, greater than 199 contracts). The Intraday Open-Close Data is also proprietary BZX

Options trade data and does not include trade data from any other exchange. Cboe LiveVol, LLC (“LiveVol”), a wholly owned subsidiary of the Exchange’s parent company, Cboe Global Markets, Inc., makes the Open-Close Data and Intraday Open-Close Data available for purchase to Members and non-Members on the LiveVol DataShop website (datashop.cboe.com). Customers may currently purchase End-of-Day Open-Close Data on a subscription basis (\$500 per month) or by ad hoc request for a specified historical month (\$400 per request per month). Customers may also purchase Intraday Open-Close Data on a subscription basis (\$1,500 per month or \$18,000 per year) or by ad hoc request for a specified historical month (\$750 per request per month).

The Exchange now proposes to adopt an academic discount for ad-hoc requests of historical months of these data sets. Specifically, the Exchange proposes to charge qualifying academic purchasers \$750 per year for the first year (instead of \$4,800 per year) for historical End-of-Day Open-Close Data and \$1,500 per year for the first year (instead of \$9,000 per year) for historical Intraday Open-Close Data. Additional months after the first year may be purchased separately and will be assessed a prorated amount based on the yearly rate (*i.e.*, \$62.50 per month for historical End-of-Day Open-Close and \$125 per month for historical Intraday Open-Close). Particularly, the Exchange believes that academic institutions and researchers provide a valuable service for the Exchange in studying and promoting the options market. Though academic institutions and researchers have need for granular options data sets, they do not trade upon the data for which they subscribe. The Exchange believes the proposed reduced fee for qualifying academic purchasers of historical End-of-Day Open-Close Data and Intraday Open-Close Data will encourage and promote academic studies of its market data by academic institutions. In order to qualify for the academic pricing, an academic purchaser must be (1) an accredited academic institution or member of the faculty or staff of such an institution, (2) that will use the data in independent academic research, academic journals and other publications, teaching and classroom use, or for other bona fide educational purposes (*i.e.* academic use). Furthermore, use of the data must be limited to faculty and students of an accredited academic institution, and any commercial or profit-seeking usage is excluded. Academic pricing will not

³ For example, subscribers to the intraday product will receive the first calculation of intraday data by approximately 9:42 a.m. ET, which represents data captured from 9:30 a.m. to 9:40 a.m. Subscribers will receive the next update at 9:52 a.m., representing the data previously provided together with data captured from 9:40 a.m. through 9:50 a.m., and so forth. Each update will represent the aggregate data captured from the current “snapshot” and all previous “snapshots.”

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

be provided to any purchaser whose research is funded by a securities industry participant. LiveVol subscriber policies will reflect the academic discount program, and academic users interested in qualifying will be required to submit a brief application. LiveVol Business Development will have the discretion to review and approve such applications and request additional information when it deems necessary.

The Exchange notes that another exchange currently offers an academic discount for a similar data feed.⁴ Additionally, the Exchange's affiliate Cboe Exchange, Inc. ("Cboe Options") offers an academic discount for historical End-of-Day Open-Close and Intraday Open-Close Data products.⁵ The Exchange recognizes the high value of academic research and educational instruction and publications, and believes that the proposed academic discount for historical End-of-Day Open-Close Data and Intraday Open-Close Data will encourage the promotion of academic research of the options industry, which will serve to benefit all market participants while also opening up a new potential user base among students. Finally, the Exchange notes that academic purchasers' ad hoc requests of historical End-of-Day Open-Close and Intraday Open-Close Data would be educational in use and purpose, and not vocational.

The Exchange next seeks to adopt a free trial for historical ad hoc requests for Intraday Open-Close Data for new purchasers. Particularly, the Exchange proposes to adopt a free trial available during the months of June and July 2021 to provide up to three (3) historical months of Intraday Open-Close Data to any Member or non-Member that has not previously subscribed to this offering.⁶ The Exchange believes the proposed trial will serve as an incentive for new users to start purchasing Intraday Open-Close historical data. More specifically, the Exchange believes it will give potential subscribers the

ability to use and test the data offering before signing up for additional months. The Exchange also notes another exchange offers a free trial for new subscribers of a similar data product.⁷ Lastly, the purchase of Intraday Open-Close historical data is discretionary and not compulsory.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,⁸ in general, and furthers the objectives of Section 6(b)(5) of the Act,⁹ in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and to protect investors and the public interest, and that it is not designed to permit unfair discrimination among customers, brokers, or dealers. The Exchange also believes that its proposal to adopt fees for Intraday Open-Close Data is consistent with Section 6(b) of the Act in general, and furthers the objectives of Section 6(b)(4) of the Act¹⁰ in particular, in that it is an equitable allocation of dues, fees and other charges among its members and other recipients of Exchange data.

In particular, the Exchange believes that the discount for qualifying academic purchasers of the ad hoc historical End-of-Day Open-Close and Intraday Open-Close Data is reasonable because academic users are not able to monetize access to the data as they do not trade on the data set. The Exchange believes the proposed discount will allow for more academic institutions and faculty members to purchase historical End-of-Day Open-Close and Intraday Open-Close Data, and, as a result, promote research and studies of the options industry to the benefit of all market participants. The Exchange believes that the proposed discount is equitable and not unfairly discriminatory because it will apply equally to all academic users that submit an application and meet the accredited academic institution or faculty member and academic use criteria. As stated above, qualified academic users will subscribe to the data set for educational use and purposes and are not permitted to use the data for commercial or monetizing

purposes, nor can qualify if they are funded by an industry participant. As a result, the Exchange believes the proposed discount is equitable and not unfairly discriminatory because it maintains equal treatment for all industry participants or other subscribers that use the data for vocational, commercial or other for-profit purposes.

The Exchange also believes that the proposed free trial for any Member or non-Member who has not previously purchased Intraday Open-Close historical data is reasonable because such users would not be subject to fees for up to 3 months' worth of Intraday Open-Close historical data. The Exchange believes the proposed free trial is also reasonable as it will give potential subscribers the ability to use and test the Intraday Open-Close historical data prior to purchasing additional months and will therefore encourage and promote new users to purchase the Intraday Open-Close historical data. The Exchange believes that the proposed discount is equitable and not unfairly discriminatory because it will apply equally to all Members and non-Members who have not previously purchased Intraday Open-Close historical data. Lastly, as noted above, another exchange offers a free trial to new users for a similar data product¹¹ and purchase of this data product is discretionary and not compulsory.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed rule change relating to the academic discount will apply to all qualifying academic purchasers uniformly. While the proposed fee reduction applies only to qualifying academic purchasers, academic purchasers' research and publications as a result of access to historical market data benefits all market participants. The Exchange also does not believe that the proposed rule change relating to the free trial will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the

⁴ See Nasdaq ISE, Options 7 Pricing Schedule, Section 10A., Nasdaq ISE Open/Close Trade Profile Intraday.

⁵ See Cboe Options Fees Schedule, Livevol Fees, Open Close Data.

⁶ For example, if a Member or non-Member that has never made an ad-hoc request for a specified month of Intraday Open-Close historical data wishes to purchase Intraday Open-Close Data for the months of January, February and March 2021 during the month of June 2021, the historical files for those months would be provided free of charge. If a new user wishes to purchase Intraday Open-Close historical data for the months of January, February, March and April 2021 during the month of June 2021, then the data for January, February and March 2021 would be provided free of charge, and the new user would be charged \$1,000 for the April 2021 historical file.

⁷ See Nasdaq ISE, Options 7 Pricing Schedule, Section 10A., Nasdaq ISE Open/Close Trade Profile End of Day.

⁸ 15 U.S.C. 78f.

⁹ 15 U.S.C. 78f(b)(5).

¹⁰ 15 U.S.C. 78f(b)(4).

¹¹ See Nasdaq ISE, Options 7 Pricing Schedule, Section 10A., Nasdaq ISE Open/Close Trade Profile End of Day.

purposes of the Act because the proposed rule change will apply to all Members and non-Members who have never made an ad-hoc request to purchase Intraday Open-Close historical data. Moreover, purchase of Intraday Open-Close historical files is discretionary and not compulsory.

The Exchange also does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed change applies only to the Exchange. Furthermore, another exchange currently offers similar historical data to academic users at a discounted price as well as a similar free-trial period for similar data.¹²

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on 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)¹³ of the Act and subparagraph (f)(2) of Rule 19b-4¹⁴ 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)¹⁵ 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-CboeBZX-2021-043 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to File Number SR-CboeBZX-2021-043. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-CboeBZX-2021-043 and should be submitted on or before July 15, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁶

J. Matthew DeLesDernier,
Assistant Secretary.

[FR Doc. 2021-13282 Filed 6-23-21; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-92179; File No. 265-33]

Asset Management Advisory Committee; Meeting

AGENCY: Securities and Exchange Commission.

ACTION: Notice of meeting.

SUMMARY: Notice is being provided that the Securities and Exchange Commission Asset Management Advisory Committee ("AMAC") will hold a public meeting on July 7, 2021, by remote means. The meeting will begin at 11:00 a.m. (ET) and will be open to the public via webcast on the Commission's website at www.sec.gov. Persons needing special accommodations to take part because of a disability should notify the contact person listed below. The public is invited to submit written statements to the Committee. The meeting will include a discussion of matters in the asset management industry relating to: (1) The ESG, Diversity & Inclusion, and Private Investments Subcommittees, including potential recommendations from those Subcommittees; and (2) the Evolution of Advice Subcommittee, including a panel discussion.

DATES: The public meeting will be held on July 7, 2021. Written statements should be received on or before July 6, 2021.

ADDRESSES: The meeting will be held by remote means and webcast on www.sec.gov. Written statements may be submitted by any of the following methods. To help us process and review your statement more efficiently, please use only one method. At this time, electronic statements are preferred.

Electronic Statements

- Use the Commission's internet submission form (<http://www.sec.gov/rules/other.shtml>); or
- Send an email message to rule-comments@sec.gov. Please include File Number 265-33 on the subject line; or

Paper Statements

- Send paper statements to Vanessa Countryman, Federal Advisory Committee Management Officer, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090. All submissions should refer to File No. 265-33. This file number should be included on the subject line if email is used. The Commission will post all statements on the Commission's website at (<http://www.sec.gov/comments/265-33/265-33.htm>).

¹² *Id.*

¹³ 15 U.S.C. 78s(b)(3)(A).

¹⁴ 17 CFR 240.19b-4(f)(2).

¹⁵ 15 U.S.C. 78s(b)(2)(B).

¹⁶ 17 CFR 200.30-3(a)(12).

Statements also will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Room 1580, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. For up-to-date information on the availability of the Public Reference Room, please refer to <https://www.sec.gov/fast-answers/answerspublicdocshmt.html> or call (202) 551-5450.

All statements received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

FOR FURTHER INFORMATION CONTACT: Christian Broadbent, Senior Special Counsel, or Jay Williamson, Branch Chief, at (202) 551-6720, Division of Investment Management, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-3628.

SUPPLEMENTARY INFORMATION: In accordance with Section 10(a) of the Federal Advisory Committee Act, 5 U.S.C.—App. 1, and the regulations thereunder, Sarah ten Siethoff, Designated Federal Officer of the Committee, has ordered publication of this notice.¹

Dated: June 15, 2021.

Vanessa A. Countryman,
Committee Management Officer.

[FR Doc. 2021-13206 Filed 6-23-21; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-92201; File No. SR-CboeBZX-2021-045]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule

June 17, 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 June 9, 2021, Cboe BZX Exchange, Inc. (the "Exchange" or "BZX") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I, II, and

III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe BZX Exchange, Inc. (the "Exchange" or "BZX" or "BZX Equities") is filing with the Securities and Exchange Commission ("Commission") a proposed rule change to amend its fee schedule. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (http://markets.cboe.com/us/equities/regulation/rule_filings/bzx/), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its fee schedule to define the term "Step-Up ADV" and introduce a new Single Market Participant Identifier ("MPID") Investor Tier.⁴

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,⁵ 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 "Maker-Taker" model whereby it pays credits to Members that add liquidity and assesses fees to those that remove liquidity. The Exchange's fee schedule sets forth the standard rebates and rates applied per share for orders that provide and remove liquidity, respectively. Particularly, for securities at or above \$1.00, the Exchange provides a standard rebate of \$0.0018 per share for orders that add liquidity and assesses a fee of \$0.0030 per share for orders that remove liquidity. Additionally, in response to the competitive environment, the Exchange also offers tiered pricing which provides Members opportunities to qualify for higher rebates or reduced fees where certain volume criteria and thresholds are met. Tiered pricing provides an incremental incentive for Members to strive for higher tier levels, which provides increasingly higher benefits or discounts for satisfying increasingly more stringent criteria.

The "definitions" section of the Exchange's fee schedule defines various terms used throughout the fee schedule. The Exchange proposes to adopt a new definition for the term "Step-Up ADV". Specifically, as proposed "Step-up ADV" means ADV⁶ in the relevant baseline month subtracted from current day ADV. Such definition would be referenced in Tiers designed to incentivize Members to grow their ADV from the baseline month, such as the proposed Single MPID Investor Tier, as discussed below.

Pursuant to footnote 4 of the fee schedule, the Exchange currently offers the Single MPID Investor Tiers that provide Members an opportunity to receive an enhanced rebate from the standard rebate for liquidity adding orders that yield fee codes B,⁷ V,⁸ and

⁵ See Cboe Global Markets, U.S. Equities Market Volume Summary, Month-to-Date (May 26, 2021), available at https://markets.cboe.com/us/equities/market_statistics/.

⁶ ADV means average daily volume calculated as the number of shares added or removed, combined, per day. ADV is calculated on a monthly basis.

⁷ Fee code B is appended to displayed orders adding liquidity to BZX (Tape B).

⁸ Fee code V is appended to displayed orders adding liquidity to BZX (Tape A).

¹ This notice was issued on June 15, 2021. Due to unexpected publication schedule changes, earlier advance publication was not possible.

² 15 U.S.C. 78s(b)(1).

³ 15 U.S.C. 78a.

⁴ 17 CFR 240.19b-4.

⁴ The Exchange initially filed the proposed fee changes June 1, 2021 (SR-CboeBZX-2021-044). On June 9, 2021, the Exchange withdrew that filing and submitted this proposal.

Y⁹ and meet certain required volume-based criteria. Specifically, Tier 1 of the Single MPID Investor Tiers provides an enhanced rebate of \$0.0031 per share when (1) an MPID has an ADAV¹⁰ as a percentage of TC¹¹ greater than or equal to 0.30%; and (2) the MPID has an ADAV as a percentage of ADV greater than or equal to 90%. Tier 2 of the Single MPID Investor Tiers provides an enhanced rebate of \$0.0032 per share when (1) an MPID has an ADAV as a percentage of TC¹¹ greater than or equal to 0.75%; and (2) the MPID has an ADAV as a percentage of ADV greater than or equal to 80%.

Now, the Exchange proposes to offer Tier 3 of the Single MPID Investor Tiers. Proposed Tier 3 would provide a rebate of \$0.0032 per share in Tape B securities (*i.e.*, orders yielding fee code B) and \$0.0033 per share in Tape A and C securities (*i.e.*, orders yielding fee codes V and Y, respectively) when (1) an MPID has a Step-Up ADV as a percentage of TC¹¹ is greater than or equal to 0.10% from May 2021; or an MPID has a Step-Up ADV greater than or equal to 8,000,000 from May 2021; and (2) the MPID has an ADAV as a percentage of TC¹¹ greater than or equal to 0.55%; or the MPID has an ADAV greater than or equal to 50,000,000. Members that achieve the proposed Single MPID Investor Tier must therefore increase the amount of liquidity that they provide on BZX, thereby contributing to a deeper and more liquid market. Furthermore, the Exchange proposes to offer a higher rebate for Tape A and C securities to further incentivize Members to increase their liquidity on the Exchange in those securities.

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) and 6(b)(5),¹³ in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members, issuers and other persons using its facilities. 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 changes reflect 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 notes that volume-based rebates such as that proposed herein have been widely adopted by exchanges, including the Exchange, and are equitable because they are open to all Members on an equal basis and provide additional benefits or discounts that are reasonably related to: (i) The value to an exchange's market quality; (ii) associated higher levels of market activity, such as higher levels of liquidity provision and/or growth patterns; and (iii) introduction of higher volumes of orders into the price and volume discovery processes. The Exchange believes that the proposed Single MPID Investor Tier 3 is a reasonable, fair and equitable, and not unfairly discriminatory allocation of fees and rebates because it will continue to provide Members with an incentive to reach certain volume thresholds on the Exchange.

More specifically, the Exchange believes the proposed additional Single MPID Investor Tier is a reasonable means to encourage Members to increase their liquidity on the Exchange in order to meet the proposed criteria to receive the proposed enhanced rebates. The Exchange further believes that the proposed tier represents an equitable allocation of reasonable dues, fees, and other charges because the threshold necessary to achieve the tier encourages Members to add increased liquidity to the BZX and the Exchange believes the proposed enhanced rebates are commensurate with the proposed thresholds. The Exchange also believes that it is an equitable allocation of reasonable fees to offer a different enhanced rebate for Tape B securities as compared to Tape A and C securities under proposed Tier 3 of the Single MPID Investor Tiers. As described above, enhanced rebates are designed to incentivize increased liquidity on the Exchange, and the Exchange believes that the proposal to offer a higher enhanced rebate for Tape A and C securities will incentivize increased liquidity in Tape A and C securities specifically. Furthermore, the Exchange believes the proposed rebate for Tape B is sufficient to incentivize increased liquidity in those securities. The increased liquidity benefits all investors

by deepening the Exchange's liquidity pool, offering additional flexibility for all investors to enjoy cost savings, supporting the quality of price discovery, promoting market transparency and improving investor protection. The Exchange also believes that the proposed rebates are reasonable based on the difficulty of satisfying the tier's proposed criteria as compared to the existing Single MPID Investor Tiers, which provide equal or lower rebates for less stringent criteria. Furthermore, the Exchange believes that the proposed tier is not unfairly discriminatory as it applies to all Members that meet the required criteria.

Additionally, a number of Members have a reasonable opportunity to satisfy proposed Single MPID Investor Tier 3, which the Exchange believes is more stringent than existing Tier 1 and Tier 2. While the Exchange has no way of knowing whether this proposed rule change would definitively result in any particular Member qualifying for the proposed tier, the Exchange anticipates at least two Members to compete for and reasonably achieve the proposed tier; however, the proposed tier is open to any Member that satisfies the tier's criteria. The Exchange believes the proposed tier could provide an incentive for other Members to submit additional liquidity on the Exchange to qualify for the proposed enhanced rebate.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on intramarket or intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe the proposed change to adopt a new Single MPID Investor Tier burdens competition, but rather, enhances competition as it is intended to increase the competitiveness of BZX by adopting an additional pricing incentive in order to attract order flow and incentivize participants to increase their participation on the Exchange.

As previously discussed, the Exchange operates in a highly competitive market. In such an environment, the Exchange must continually review, and consider adjusting, its fees and rebates to remain competitive with other exchanges. 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

⁹ Fee code Y is appended to displayed orders adding liquidity to BZX (Tape C).

¹⁰ ADAV means average daily added volume calculated as the number of shares added per day. ADAV is calculated on a monthly basis.

¹¹ TC¹¹ 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.

¹² 15 U.S.C. 78f.

¹³ 15 U.S.C. 78f(b)(4) and (5).

small percentage of the overall market. Based on publicly available information, no single equities exchange has more than 15% of the market share.¹⁴ 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.”¹⁵ 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’”¹⁶ 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 Act¹⁷ and paragraph (f) of Rule 19b-4¹⁸ thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission’s internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-CboeBZX-2021-045 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to File Number SR-CboeBZX-2021-045. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission’s internet website (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission’s Public

Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-CboeBZX-2021-045, and should be submitted on or before July 15, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁹

J. Matthew DeLesDernier,
Assistant Secretary.

[FR Doc. 2021-13243 Filed 6-23-21; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-92204; File No. SR-CBOE-2021-029]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To Increase Position Limits for Options on Certain Exchange-Traded Funds and an Exchange-Traded Note

June 17, 2021.

On April 21, 2021, Cboe Exchange, Inc. (“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 increase position limits for options on certain exchange-traded funds and an exchange-traded note. The proposed rule change was published for comment in the **Federal Register** on May 10, 2021.³

Section 19(b)(2) of the Act⁴ provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding, or as to which the

¹⁹ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 91767 (May 4, 2021), 86 FR 25026.

⁴ 15 U.S.C. 78s(b)(2).

¹⁴ *Supra* note 3[sic].

¹⁵ See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

¹⁶ *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)).

¹⁷ 15 U.S.C. 78s(b)(3)(A).

¹⁸ 17 CFR 240.19b-4(f).

self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is June 24, 2021.

The Commission is extending the 45-day time period for Commission action on the proposed rule change. The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change.

Accordingly, pursuant to Section 19(b)(2) of the Act,⁵ the Commission designates August 8, 2021 as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR-CBOE-2021-029).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁶

J. Matthew DeLesDernier,
Assistant Secretary.

[FR Doc. 2021-13245 Filed 6-23-21; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-92186; File No. SR-MIAX-2021-26]

Self-Regulatory Organizations; Miami International Securities Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule for the Complex PRIME (“cPRIME”) Agency Order Credit

June 15, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),¹ and Rule 19b-4 thereunder,² notice is hereby given that on June 9, 2021, Miami International Securities Exchange LLC (“MIAX” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”) a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

⁵ *Id.*

⁶ 17 CFR 200.30-3(a)(31).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend the MIAX Options Fee Schedule (the “Fee Schedule”).

The text of the proposed rule change is available on the Exchange’s website at <http://www.miaxoptions.com/rule-filings>, at MIAX’s principal office, and at the Commission’s Public Reference Room.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Fee Schedule to modify one of the conditions for Members³ to receive the alternative complex PRIME (“cPRIME”) Agency Order Credit amount for cPRIME Agency Orders in Tier 4 of the Priority Customer Rebate Program (“PCRCP”) that applies instead

³ The term “Member” means an individual or organization approved to exercise the trading rights associated with a Trading Permit. Members are deemed “members” under the Exchange Act. See Exchange Rule 100.

⁴ “cPRIME” is the process by which a Member may electronically submit a “cPRIME Order” (as defined in Rule 518(b)(7)) it represents as agent (a “cPRIME Agency Order”) against principal or solicited interest for execution (a “cPRIME Auction”), subject to the restrictions set forth in Exchange Rule 515A, Interpretation and Policy .12. See Exchange Rule 515A.

⁵ Under the PCRCP, MIAX Options credits each Member the per contract amount resulting from each Priority Customer order transmitted by that Member which is executed electronically on the Exchange in all multiply-listed option classes (excluding, in simple or complex as applicable, QCC and cQCC Orders, mini-options, Priority Customer-to-Priority Customer Orders, C2C and c2C Orders, PRIME and cPRIME AOC Responses, PRIME and cPRIME Contra-side Orders, PRIME and cPRIME Orders for which both the Agency and Contra-side Order are Priority Customers, and executions related to contracts that are routed to one or more exchanges in connection with the Options Order Protection and Locked/Crossed Market Plan referenced in Exchange Rule 1400),

of the credit otherwise applicable to such orders, if a certain threshold is satisfied. The Exchange initially filed this proposal on May 28, 2021 (SR-MIAX-2021-24) and withdrew such filing on June 9, 2021. The Exchange proposes to implement the fee change effective June 9, 2021.

Background

Exchange Rule 518(b)(7) defines a cPRIME Order as a type of complex order⁶ that is submitted for participation in a cPRIME Auction and trading of cPRIME Orders is governed by Rule 515A, Interpretation and Policies .12.⁷ cPRIME Orders are processed and executed in the Exchange’s PRIME mechanism, the same mechanism that the Exchange uses to process and execute simple PRIME orders, pursuant to Exchange Rule 515A.⁸ PRIME is a process by which a Member may electronically submit for execution an order it represents as agent (an “Agency Order”) against principal interest and/or solicited interest. The Member that submits the Agency Order (“Initiating Member”) agrees to guarantee the execution of the Agency Order by submitting a contra-side order representing principal interest or solicited interest (“Contra-Side Order”). When the Exchange receives a properly designated Agency Order for Auction processing, a request for response (“RFR”) detailing the option, side, size and initiating price is broadcasted to MIAX participants up to an optional designated limit price. Members may submit responses to the RFR, which can be either an Auction or Cancel (“AOC”)

provided the Member meets certain percentage thresholds in a month as described in the Priority Customer Rebate Program table. See Fee Schedule, Section 1(a)iii.

⁶ A “complex order” is any order involving the concurrent purchase and/or sale of two or more different options in the same underlying security (the “legs” or “components” of the complex order), for the same account, in a ratio that is equal to or greater than one-to-three (.333) and less than or equal to three-to-one (3.00) and for the purposes of executing a particular investment strategy. A complex order can also be a “stock-option” order, which is an order to buy or sell a stated number of units of an underlying security coupled with the purchase or sale of options contract(s) on the opposite side of the market, subject to certain contingencies set forth in the proposed rules governing complex orders. For a complete definition of a “complex order,” see Exchange Rule 518(a)(5). See also Securities Exchange Act Release No. 78620 (August 18, 2016), 81 FR 58770 (August 25, 2016) (SR-MIAX-2016-26).

⁷ See Securities Exchange Act Release No. 81131 (July 12, 2017), 82 FR 32900 (July 18, 2017) (SR-MIAX-2017-19) (Order Granting Approval of a Proposed Rule Change to Amend MIAX Options Rules 515, Execution of Orders and Quotes; 515A, MIAX Price Improvement Mechanism (“PRIME”) and PRIME Solicitation Mechanism; and 518, Complex Orders).

⁸ *Id.*

order or an AOC eQuote. A cPRIME Auction is the price-improvement mechanism of the Exchange's System pursuant to which an Initiating Member electronically submits a complex Agency Order into a cPRIME Auction. The Initiating Member, in submitting an Agency Order, must be willing to either (i) cross the Agency Order at a single price against principal or solicited interest, or (ii) automatically match against principal or solicited interest, the price and size of a RFR that is broadcast to MIAAX participants up to an optional designated limit price. Such responses are defined as cPRIME AOC Responses or cPRIME eQuotes. The PRIME mechanism is used for orders on the Exchange's Simple Order Book.⁹ The cPRIME mechanism is used for Complex Orders¹⁰ on the Exchange's Strategy Book,¹¹ with the cPRIME mechanism operating in the same manner for processing and execution of cPRIME Orders that is used for PRIME Orders on the Simple Order Book.

On February 28, 2019, the Exchange filed its proposal to, among other things, establish the alternative cPRIME Agency Order Credit amount for cPRIME Agency Orders in Tier 4 of the PCRCP that would apply instead of the credit otherwise applicable to such orders, if a certain threshold was satisfied by the Member.¹² With that filing, the Exchange adopted footnote “**” below the PCRCP table in Section 1(a)iii) of the Fee Schedule, which described the alternative cPRIME Agency Order Credit amount for cPRIME Agency Orders in Tier 4 of the PCRCP. On February 28, 2020, the Exchange filed its proposal to, among other things, lower the alternative cPRIME Agency Order rebate for PCRCP Members in Tier 4 that execute Priority Customer standard non-paired complex volume at least equal to or greater than their Priority Customer cPRIME agency volume from \$0.22 per contract to \$0.12 per contract.¹³

⁹ The “Simple Order Book” is the Exchange's regular electronic book of orders and quotes. See Exchange Rule 518(a)(15).

¹⁰ See *supra* note 6. Mini-options may only be part of a complex order that includes other mini-options. Only those complex orders in the classes designated by the Exchange and communicated to Members via Regulatory Circular with no more than the applicable number of legs, as determined by the Exchange on a class-by-class basis and communicated to Members via Regulatory Circular, are eligible for processing. See Exchange Rule 518(a)(5).

¹¹ The “Strategy Book” is the Exchange's electronic book of complex orders and complex quotes. See Exchange Rule 518(a)(17).

¹² See Securities Exchange Act Release No. 85301 (March 13, 2019), 84 FR 10166 (March 19, 2019) (SR-MIAAX-2019-09).

¹³ See Securities Exchange Act Release No. 88349 (March 10, 2020), 85 FR 14995 (March 16, 2020) (SR-MIAAX-2020-05).

Currently, under the PCRCP, the Exchange provides a higher credit of \$0.12 per contract for cPRIME Agency Orders if any Member or its Affiliate¹⁴ qualifies for PCRCP Tier 4 and executes Priority Customer standard, non-paired complex volume at least equal to or greater than their Priority Customer cPRIME Agency Order volume on a monthly basis, instead of the \$0.10 credit otherwise applicable for Tier 4.¹⁵

The Exchange now proposes to modify one of the conditions in order for a Member to receive the alternative cPRIME Agency Order Credit amount for cPRIME Agency Orders in Tier 4 of the PCRCP that applies instead of the credit otherwise applicable to such orders. With the proposed change, any Member or its Affiliate that qualifies for PCRCP Tier 4 and executes Priority Customer standard, non-paired complex volume at least equal to or greater than three (3) times their Priority Customer cPRIME Agency Order volume on a monthly basis, will receive a credit of

¹⁴ For purposes of the MIAAX Options Fee Schedule, the term “Affiliate” means (i) an affiliate of a Member of at least 75% common ownership between the firms as reflected on each firm's Form BD, Schedule A, (“Affiliate”), or (ii) the Appointed Market Maker of an Appointed EEM (or, conversely, the Appointed EEM of an Appointed Market Maker). An “Appointed Market Maker” is a MIAAX Market Maker (who does not otherwise have a corporate affiliation based upon common ownership with an EEM) that has been appointed by an EEM and an “Appointed EEM” is an EEM (who does not otherwise have a corporate affiliation based upon common ownership with a MIAAX Market Maker) that has been appointed by a MIAAX Market Maker, pursuant to the following process. A MIAAX Market Maker appoints an EEM and an EEM appoints a MIAAX Market Maker, for the purposes of the Fee Schedule, by each completing and sending an executed Volume Aggregation Request Form by email to members@miaaxoptions.com no later than 2 business days prior to the first business day of the month in which the designation is to become effective. Transmittal of a validly completed and executed form to the Exchange along with the Exchange's acknowledgement of the effective designation to each of the Market Maker and EEM will be viewed as acceptance of the appointment. The Exchange will only recognize one designation per Member. A Member may make a designation not more than once every 12 months (from the date of its most recent designation), which designation shall remain in effect unless or until the Exchange receives written notice submitted 2 business days prior to the first business day of the month from either Member indicating that the appointment has been terminated. Designations will become operative on the first business day of the effective month and may not be terminated prior to the end of the month. Execution data and reports will be provided to both parties.

¹⁵ The Exchange notes that other exchanges offer comparable rebates in their middle to highest tiers for similar transactions. See, generally, Nasdaq PHLX LLC, Options 7, Pricing Schedule (highest tier rebate of \$0.14 per contract for similar transactions); Cboe EDGX Exchange, Inc. Fee Schedule (mid-tier rebate of \$0.11 per contract, up to \$0.14 per contract in the highest tier for similar transactions); NYSE American LLC Fee Schedule (rebate of \$0.10 per contract for similar transactions).

\$0.12 per contract for cPRIME Agency Orders instead of the credit otherwise applicable to such orders in Tier 4. The Exchange proposes to make the corresponding change to footnote “**” below the PCRCP table in Section 1(a)iii) of the Fee Schedule. The purpose of the proposed change is for business and competitive reasons. As the amount and type of volume that is executed on the Exchange has shifted since it first established the alternative cPRIME Agency Order Credit amount for cPRIME Agency Orders in Tier 4 of the PCRCP, provided that the Member meets certain Priority Customer standard, non-paired complex volume,¹⁶ the Exchange has determined to level-set the threshold to achieve the alternative rebate by requiring Members to execute an increased amount of Priority Customer standard, non-paired complex volume. With the proposed change, the Exchange believes the higher credit of \$0.12 per contract for cPRIME Agency Orders will continue to be attractive and reflective of the amount and type of volume executed on the Exchange.

2. Statutory Basis

The Exchange believes that its proposal to amend its Fee Schedule is consistent with Section 6(b) of the Act¹⁷ in general, and furthers the objectives of Section 6(b)(4) of the Act¹⁸ in particular, in that it is an equitable allocation of reasonable fees and other charges among its members and issuers and other persons using its facilities. The Exchange also believes the proposal furthers the objectives of Section 6(b)(5) of the Act in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest and is not designed to permit unfair discrimination between customers, issuers, brokers and dealers.

The Exchange believes its proposal provides for the equitable allocation of reasonable dues and fees and is not unfairly discriminatory for the following reasons. 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 self-regulatory

¹⁶ See *supra* notes 12 and 13.

¹⁷ 15 U.S.C. 78f(b).

¹⁸ 15 U.S.C. 78f(b)(4) and (5).

organization (“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.”¹⁹ There are currently 16 registered options exchanges competing for order flow. Based on publicly-available information, and excluding index-based options, no single exchange has more than approximately 13–14% of the market share of executed volume of multiply-listed equity and exchange-traded fund (“ETF”) options trades as of June 9, 2021, for the month of June 2021.²⁰ Therefore, no exchange possesses significant pricing power in the execution of multiply-listed equity and ETF options order flow. More specifically, as of June 9, 2021, the Exchange has a total market share of 6.73% of all equity options volume, for the month of June 2021.²¹

The Exchange believes that the ever-shifting market shares among the exchanges from month to month demonstrates that market participants can shift order flow (as further described below), or discontinue or reduce use of certain categories of products, in response to transaction and non-transaction fee changes. For example, in February 2019, the Exchange filed with the Commission an immediately effective filing to decrease certain credits assessable to Members pursuant to the PCRP, with the fee change effective for March 1, 2019.²² The Exchange experienced a decrease in total market share between the months of February and March of 2019. Accordingly, the Exchange believes that the February 2019 fee change may have contributed to the decrease in the Exchange’s market share and, as such, the Exchange believes competitive forces constrain options exchange transaction fees.

The Exchange believes its proposal to modify the amount of Priority Customer standard, non-paired complex volume in order for Members to achieve the higher alternative cPRIME Agency Order Credit amount for cPRIME Agency Orders in Tier 4 of the PCRP is consistent with Section 6(b)(4) of the Act²³ because it applies equally to all participants. The proposal is based on the amount and type of complex and cPRIME business transacted on the

Exchange and Members are not obligated to try to achieve the higher alternative cPRIME Agency Order Credit amount for cPRIME Agency Orders in Tier 4 of the PCRP, nor are they obligated to execute any cPRIME transactions. Rather, the proposal is designed to level-set the volume threshold to Exchange volume in these segments to achieve the higher alternative rebate by requiring Members to execute an increased amount of Priority Customer standard, non-paired complex volume. The Exchange believes that by encouraging market participants to execute Priority Customer standard, non-paired complex volume at least equal to or greater than three times their Priority Customer cPRIME Agency Order volume in order to receive a higher alternative credit instead of the credit otherwise applicable to such orders in Tier 4 of the PCRP is reasonable, equitably allocated and not unfairly discriminatory because it is more reflective of the amount and type of volume executed on the Exchange since the Exchange first established the alternative cPRIME Agency Order Credit.

The Exchange also believes that this proposal continues to encourage increased volume of Priority Customer standard, non-paired complex orders and Priority Customer cPRIME orders, which will continue to result in increased complex and cPRIME liquidity that benefits all Exchange participants by providing more trading opportunities and tighter spreads. The Exchange also believes the PCRP is reasonably designed because it incentivizes providers of Priority Customer order flow to send that Priority Customer order flow to the Exchange in order to obtain the highest volume threshold and receive a credit in a manner that enables the Exchange to improve its overall competitiveness and strengthen its market quality for all market participants.

In addition, the proposal is also consistent with Section 6(b)(5) of the Act²⁴ because it perfects the mechanisms of a free and open market and a national market system and protects investors and the public interest because, while only certain Priority Customer order flow qualifies for the rebate program under the PCRP and, specifically, only order flow by Members in Tier 4 of the PCRP that meet the additional threshold will continue to receive the higher alternative cPRIME Agency Order rebate, an increase in Priority Customer order flow will bring greater volume and

liquidity, which benefits all market participants by providing more trading opportunities and tighter spreads. To the extent Priority Customer order flow continues to increase by the proposal, market participants will increasingly compete for the opportunity to trade on the Exchange including sending more orders and providing narrower and larger-sized quotations in the effort to trade with such Priority Customer order flow.

B. Self-Regulatory Organization’s Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,²⁵ the Exchange believes that the proposed rule change would not impose any burden on competition that are not necessary or appropriate in furtherance of the purposes of the Act.

Intra-Market Competition

The Exchange believes that its proposal to modify the condition for the alternative cPRIME Agency Order Credit will not impose any undue burden on intra-market competition. The Exchange believes that this proposal will continue to encourage Members to submit both Priority Customer standard, non-paired complex orders and Priority Customer cPRIME orders, which will increase liquidity and benefit all market participants by providing more trading opportunities and tighter spreads. Accordingly, the Exchange believes that the proposed changes will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act because it will continue to encourage order flow, which provides greater volume and liquidity, benefiting all market participants by providing more trading opportunities and tighter spreads.

Inter-Market Competition

The Exchange operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive. There are currently 16 registered options exchanges competing for order flow. Based on publicly-available information, and excluding index-based options, no single exchange has more than approximately 13–14% of the market share of executed volume of multiply-listed equity and ETF options trades as of June 9, 2021, for the month of June 2021.²⁶ Therefore, no exchange possesses significant pricing power in the execution of multiply-listed equity and ETF options order flow. More

¹⁹ See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496 (June 29, 2005).

²⁰ See https://www.cboe.com/us/options/market_statistics/.

²¹ See *id.*

²² See *supra* note 12.

²³ 15 U.S.C. 78f(b)(4).

²⁴ 15 U.S.C. 78f(b)(1) and (b)(5).

²⁵ 15 U.S.C. 78f(b)(8).

²⁶ See *supra* note 20.

specifically, as of June 9, 2021, the Exchange has a total market share of 6.73% of all equity options volume, for the month of June 2021.²⁷ In such an environment, the Exchange must continually adjust its transaction and non-transaction fees to remain competitive with other exchanges and to attract order flow. The Exchange believes that the proposed rule change reflects this competitive environment because it will modify the Exchange's rebates in a manner that encourages market participants to continue to provide and send order flow to the Exchange. To the extent this is achieved, all the Exchange's market participants should benefit from the improved market quality.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,²⁸ and Rule 19b-4(f)(2)²⁹ 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 shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-MIAX-2021-26 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-MIAX-2021-26. 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-MIAX-2021-26 and should be submitted on or before July 15, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.³⁰

J. Matthew DeLesDernier,

Assistant Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-92173; File No. SR-C2-2021-010]

Self-Regulatory Organizations; Cboe C2 Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating To Amend Its Fees Schedule

June 14, 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 1, 2021, Cboe C2 Exchange, Inc. (the "Exchange" or "C2") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The 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 C2 Exchange, Inc. (the "Exchange" or "C2") is filing with the Securities and Exchange Commission ("Commission") a proposed rule change to amend Open-Close Data fees. 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/options/regulation/rule_filings/ctwo/), 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.

²⁷ See *id.*

²⁸ 15 U.S.C. 78s(b)(3)(A)(ii).

²⁹ 17 CFR 240.19b-4(f)(2).

³⁰ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

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 Fees Schedule to (i) adopt an academic discount for its historical End-of-Day Open-Close and Intraday Open-Close data and (ii) offer a free trial during the months of June and July 2021 for an ad hoc request of three (3) historical months of Intraday Open-Close historical data to all Trading Permit Holders ("TPHs") and non-TPHs who have never before subscribed to the Intraday Open-Close historical files.

By way of background, the Exchange historically offered Open-Close Data, which is an end-of-day volume summary of trading activity on the Exchange at the option level by origin (customer, professional customer, broker-dealer, and market maker), side of the market (buy or sell), price, and transaction type (opening or closing) ("End-of-Day Open-Close Data"). The customer and professional customer volume is further broken down into trade size buckets (less than 100 contracts, 100–199 contracts, greater than 199 contracts). The End-of-Day Open-Close Data is proprietary C2 Options trade data and does not include trade data from any other exchange. It is also a historical data product and not a real-time data feed. The recently adopted Intraday Open-Close Data provides similar information to that of End-of-Day Open-Close Data but is produced and updated every 10 minutes during the trading day. Data is captured in "snapshots" taken every 10 minutes throughout the trading day and is available to subscribers within five minutes of the conclusion of each 10-minute period.³ The Intraday Open-Close Data provides a volume summary of trading activity on the Exchange at the option level by origin (customer, professional customer, broker-dealer, and market maker), side of the market (buy or sell), and transaction type (opening or closing). The customer and professional customer volume are further broken down into trade size buckets (less than 100 contracts, 100–199 contracts, greater than 199 contracts). The Intraday Open-Close

³ For example, subscribers to the intraday product will receive the first calculation of intraday data by approximately 9:42 a.m. ET, which represents data captured from 9:30 a.m. to 9:40 a.m. Subscribers will receive the next update at 9:52 a.m., representing the data previously provided together with data captured from 9:40 a.m. through 9:50 a.m., and so forth. Each update will represent the aggregate data captured from the current "snapshot" and all previous "snapshots."

Data is also proprietary C2 Options trade data and does not include trade data from any other exchange. Cboe LiveVol, LLC ("LiveVol"), a wholly owned subsidiary of the Exchange's parent company, Cboe Global Markets, Inc., makes the Open-Close Data and Intraday Open-Close Data available for purchase to TPHs and non-TPHs on the LiveVol DataShop website (datashop.cboe.com). Customers may currently purchase End-of-Day Open-Close Data on a subscription basis (\$500 per month) or by ad hoc request for a specified historical month (\$400 per request per month). Customers may also purchase Intraday Open-Close Data on a subscription basis (\$1,000 per month or \$12,000 per year) or by ad hoc request for a specified historical month (\$500 per request per month).

The Exchange now proposes to adopt an academic discount for ad hoc requests of historical months of these data sets. Specifically, the Exchange proposes to charge qualifying academic purchasers \$500 per year for the first year (instead of \$4,800 per year) for historical End-of-Day Open-Close Data and \$1,000 per year for the first year (instead of \$6,000 per year) for historical Intraday Open-Close Data. Additional months after the first year may be purchased separately and will be assessed a prorated amount based on the yearly rate (*i.e.*, \$41.67 per month for historical End-of-Day Open-Close and \$83.33 per month for historical Intraday Open-Close). Particularly, the Exchange believes that academic institutions and researchers provide a valuable service for the Exchange in studying and promoting the options market. Though academic institutions and researchers have need for granular options data sets, they do not trade upon the data for which they subscribe. The Exchange believes the proposed reduced fee for qualifying academic purchasers of historical End-of-Day Open-Close Data and Intraday Open-Close Data will encourage and promote academic studies of its market data by academic institutions. In order to qualify for the academic pricing, an academic purchaser must be (1) an accredited academic institution or member of the faculty or staff of such an institution, (2) that will use the data in independent academic research, academic journals and other publications, teaching and classroom use, or for other bona fide educational purposes (*i.e.* academic use). Furthermore, use of the data must be limited to faculty and students of an accredited academic institution, and any commercial or profit-seeking usage is excluded. Academic pricing will not

be provided to any purchaser whose research is funded by a securities industry participant. LiveVol subscriber policies will reflect the academic discount program, and academic users interested in qualifying will be required to submit a brief application. LiveVol Business Development will have the discretion to review and approve such applications and request additional information when it deems necessary.

The Exchange notes that another exchange currently offers an academic discount for a similar data feed.⁴ Additionally, the Exchange's affiliate Cboe Exchange, Inc. ("Cboe Options") offers an academic discount for historical End-of-Day Open-Close and Intraday Open-Close Data products.⁵ The Exchange recognizes the high value of academic research and educational instruction and publications, and believes that the proposed academic discount for historical End-of-Day Open-Close Data and Intraday Open-Close Data will encourage the promotion of academic research of the options industry, which will serve to benefit all market participants while also opening up a new potential user base among students. Finally, the Exchange notes that academic purchasers' ad hoc requests of historical End-of-Day Open-Close and Intraday Open-Close Data would be educational in use and purpose, and not vocational.

The Exchange next seeks to adopt a free trial for historical ad hoc requests for Intraday Open-Close Data for new purchasers. Particularly, the Exchange proposes to adopt a free trial available during the months of June and July 2021 to provide up to three (3) historical months of Intraday Open-Close Data to any TPH or non-TPH that has not previously subscribed to this offering.⁶ The Exchange believes the proposed trial will serve as an incentive for new users to start purchasing Intraday Open-Close historical data. More specifically, the Exchange believes it will give potential subscribers the ability to use

⁴ See Nasdaq ISE, Options 7 Pricing Schedule, Section 10A., Nasdaq ISE Open/Close Trade Profile Intraday.

⁵ See Cboe Options Fees Schedule, Livevol Fees, Open Close Data.

⁶ For example, if a TPH or non-TPH that has never made an ad-hoc request for a specified month of Intraday Open-Close historical data wishes to purchase Intraday Open-Close Data for the months of January, February and March 2021 during the month of June 2021, the historical files for those months would be provided free of charge. If a new user wishes to purchase Intraday Open-Close historical data for the months of January, February, March and April 2021 during the month of June 2021, then the data for January, February and March 2021 would be provided free of charge, and the new user would be charged \$1,000 for the April 2021 historical file.

and test the data offering before signing up for additional months. The Exchange also notes another exchange offers a free trial for new subscribers of a similar data product.⁷ Lastly, the purchase of Intraday Open-Close historical data is discretionary and not compulsory.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,⁸ in general, and furthers the objectives of Section 6(b)(5) of the Act,⁹ in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and to protect investors and the public interest, and that it is not designed to permit unfair discrimination among customers, brokers, or dealers. The Exchange also believes that its proposal to adopt fees for Intraday Open-Close Data is consistent with Section 6(b) of the Act in general, and furthers the objectives of Section 6(b)(4) of the Act¹⁰ in particular, in that it is an equitable allocation of dues, fees and other charges among its members and other recipients of Exchange data.

In particular, the Exchange believes that the discount for qualifying academic purchasers of the ad hoc historical End-of-Day Open-Close and Intraday Open-Close Data is reasonable because academic users are not able to monetize access to the data as they do not trade on the data set. The Exchange believes the proposed discount will allow for more academic institutions and faculty members to purchase historical End-of-Day Open-Close and Intraday Open-Close Data, and, as a result, promote research and studies of the options industry to the benefit of all market participants. The Exchange believes that the proposed discount is equitable and not unfairly discriminatory because it will apply equally to all academic users that submit applications and meet the accredited academic institution or faculty member and academic use criteria. As stated above, qualified academic users will subscribe to the data set for educational use and purposes and are not permitted to use the data for commercial or monetizing purposes, nor can qualify if they are

funded by an industry participant. As a result, the Exchange believes the proposed discount is equitable and not unfairly discriminatory because it maintains equal treatment for all industry participants or other subscribers that use the data for vocational, commercial or other for-profit purposes.

The Exchange also believes that the proposed free trial for any TPH or non-TPH who has not previously purchased Intraday Open-Close historical data is reasonable because such users would not be subject to fees for up to 3 months' worth of Intraday Open-Close historical data. The Exchange believes the proposed free trial is also reasonable as it will give potential subscribers the ability to use and test the Intraday Open-Close historical data prior to purchasing additional months and will therefore encourage and promote new users to purchase the Intraday Open-Close historical data. The Exchange believes that the proposed discount is equitable and not unfairly discriminatory because it will apply equally to all TPHs and non-TPHs who have not previously purchased Intraday Open-Close historical data. Lastly, as noted above, another exchange offers a free trial to new users for a similar data product¹¹ and purchase of this data product is discretionary and not compulsory.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed rule change relating to the academic discount will apply to all qualifying academic purchasers uniformly. While the proposed fee reduction applies only to qualifying academic purchasers, academic purchasers' research and publications as a result of access to historical market data benefits all market participants. The Exchange also does not believe that the proposed rule change relating to the free trial will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the

proposed rule change will apply to all TPHs and non-TPHs who have never made an ad-hoc request to purchase Intraday Open-Close historical data. Moreover, purchase of Intraday Open-Close historical files is discretionary and not compulsory.

The Exchange also does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed change applies only to the Exchange. Furthermore, another exchange currently offers similar historical data to academic users at a discounted price as well as a similar free-trial period for similar data.¹²

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on 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)¹³ of the Act and subparagraph (f)(2) of Rule 19b-4¹⁴ 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)¹⁵ 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:

⁷ See Nasdaq ISE, Options 7 Pricing Schedule, Section 10A., Nasdaq ISE Open/Close Trade Profile End of Day.

⁸ 15 U.S.C. 78f.

⁹ 15 U.S.C. 78f(b)(5).

¹⁰ 15 U.S.C. 78f(b)(4).

¹¹ See Nasdaq ISE, Options 7 Pricing Schedule, Section 10A., Nasdaq ISE Open/Close Trade Profile End of Day.

¹² *Id.*

¹³ 15 U.S.C. 78s(b)(3)(A).

¹⁴ 17 CFR 240.19b-4(f)(2).

¹⁵ 15 U.S.C. 78s(b)(2)(B).

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-C2-2021-010 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-C2-2021-010. 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-C2-2021-010 and should be submitted on or before July 15, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁶

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021-13284 Filed 6-23-21; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-92206; File No. SR-BOX-2021-14]

Self-Regulatory Organizations; BOX Exchange LLC; Notice of Filing of Proposed Rule Change in Connection With the Proposed Commencement of Operations of Boston Security Token Exchange LLC ("BSTX")

June 17, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on June 7, 2021, BOX Exchange LLC (the "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is submitting this Proposed Rule Change to the Commission in connection with the establishment of Boston Security Token Exchange LLC (the "Company" or "BSTX"), as a facility, of the Exchange. In this Proposed Rule Change, the proposed Second Amended and Restated Limited Liability Company Agreement of the Company dated December 24, 2019 (the "LLC Agreement"), is attached as Exhibit 5A hereto [sic]. The text of the proposed rule change is available from the principal office of the Exchange, at the Commission's Public Reference Room and also on the Exchange's internet website at <http://boxoptions.com>.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is submitting this Proposed Rule Change to the Commission in connection with the proposed establishment of BSTX as a facility of the Exchange, as that term is defined in Section 3(a)(2) of the Act.³ Pending trading rules filed as part of a separate rule filing pursuant to the rule filing process under Section 19 of the Act and approved by the Commission, BSTX will operate the BSTX Market.⁴ The Proposed Rule Change is to establish BSTX as a facility of the Exchange and, without trading rules approved by the Commission, will not permit BSTX to commence operations of the BSTX Market. However, the approval of the Proposed Rule Change, and BSTX as a facility of the Exchange, will trigger the regulatory oversight responsibilities of the Exchange with respect to BSTX.

BSTX is controlled jointly by BOX Digital, a Delaware limited liability company and a subsidiary of BOX Holdings Group LLC, and tZERO Group, Inc., a Delaware corporation and an affiliate of *Overstock.com*, Inc. BSTX is an affiliate of the Exchange and, when approved as a facility of the Exchange, will be subject to regulatory oversight by the Exchange. In addition, the Exchange will enter into a facility agreement with BSTX (the "Facility Agreement") pursuant to which the Exchange will regulate the Company as a facility of the Exchange. The Exchange's powers and authority under the Facility Agreement ensure that the Exchange has full regulatory control over BSTX, which is designed to prevent any owner of BSTX from exercising undue influence over the regulated activities of the Company. The Exchange will also provide certain business services to the Company such as providing human resources and office technology support pursuant to an administrative services agreement between the Exchange and BSTX.

The LLC Agreement is the source of governance and operating authority for the Company and, therefore, functions in a similar manner as articles of incorporation and bylaws would function for a corporation. The Exchange submitted a separate filing to establish rules relating to trading on

³ 15 U.S.C. 78c(a)(2).

⁴ See Securities Exchange Act Release No. 92017 (May 25, 2021), 86 FR 29634 (June 2, 2021) ("BSTX Rulebook Proposal").

¹⁶ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

BSTX.⁵ The Exchange also submitted a separate filing to introduce structural changes to the Exchange to accommodate regulation of BSTX in addition to the Exchange's existing facility,⁶ which was approved.⁷ With the addition of BSTX as an Exchange facility, BSTX Participants⁸ will have the same representation, rights and responsibilities as Participants on the Exchange's other facility.

The Exchange currently operates BOX Options Market LLC ("BOX Options"), which is a facility of the Exchange, as that term is defined in Section 3(a)(2) of the Act. The proposed LLC Agreement provisions are generally the same as the provisions of the BOX Options LLC Agreement or, where indicated herein, are the same as provisions of the BOX Holdings LLC Agreement.⁹ Currently, BOX Holdings has nine separate, unaffiliated owners. BOX Holdings owns 100% of BOX Options so BOX Holdings is essentially the alter ego of BOX Options. By contrast, the Company has two separate, unaffiliated voting owners, BOX Digital and tZERO, each of which owns 50% of the voting class of equity of the Company. Ownership diverges for BOX Options directly above BOX Holdings in its ownership structure and ownership diverges for the Company directly above the Company in its ownership structure. Therefore, as discussed below, when comparing various provisions in the LLC Agreement, some provisions are more appropriately compared with the BOX Holdings LLC Agreement, particularly with respect to ownership issues. The Exchange believes that governance consistent with established provisions that have already received Commission approval harmonizes rules and practices across the Exchange's facilities, which may foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and

facilitating transactions in securities, consistent with Section 6(b)(5) of the Act.¹⁰

Structure of the Company

In the discussion below, the Exchange describes provisions in the LLC Agreement related to the structure of the Company, highlighting areas that vary in comparison to the BOX Options LLC Agreement and/or BOX Holdings LLC Agreement and provides the statutory basis for such variation.

Ownership interests of the Company are represented by Units.¹¹ The Company has two classes of Units: Class A Units¹² and Class B Units.¹³ Except as otherwise provided in the LLC Agreement, all Units are identical to each other and accord the holders thereof the same obligations, rights, and privileges as accorded to each other holder thereof.¹⁴ The duly admitted holders of Units are referred to as the members of the Company ("Members"). The Units represent equity interests in the Company and entitle the duly admitted holders thereof to participate in the Company's allocations and distributions. Voting Class A Units are held 50/50 by BOX Digital and tZERO with each having an economic interest of over 45% in the Company. Non-voting Class B Units are held by various employees and directors of the Company, each of whom holds less than 5% economic interest in the Company. Pursuant to Section 1.1 of the LLC Agreement, a record of the Members is maintained by the Secretary of the

Company and updated from time to time as necessary and as provided in the LLC Agreement ("Membership Record").¹⁵ These provisions are substantially the same as those in the BOX Holdings LLC Agreement.¹⁶

BOX Digital is a subsidiary of BOX Holdings and an affiliate of the Exchange and, therefore, the Company will be an affiliate of the Exchange. BOX Holdings owns 98% of BOX Digital and 2% of BOX Digital is held by Lisa Fall. BOX Holdings already owns one subsidiary that is an existing facility of the Exchange. The existing facility—BOX Options—operates a market for trading option contracts on U.S. equities. BOX Holdings is the parent company for both BOX Digital and BOX Options. BOX Holdings has nine separate, unaffiliated owners, including MX US 2, Inc., a wholly owned, indirect subsidiary of TMX Group Limited ("TMX"), which holds 42.62% of the outstanding units of BOX Holdings, and IB Exchange Corp., which holds 22.69% of the outstanding units of BOX Holdings. The other seven owners of BOX Holdings, Citadel Securities Principal Investments LLC, Citigroup Financial Products Inc., UBS Americas Inc., CSFB Next Fund Inc., LabMorgan Corp., Wolverine Trading, LLC and Aragon Solutions Ltd, each hold less than 15% of the outstanding units of BOX Holdings.

Medici Ventures, L.P. ("Medici"), a Delaware limited partnership, owns 44% of the outstanding shares of tZERO, Overstock.com, Inc. ("Overstock"), a publicly held corporation organized under the laws of the state of Delaware, owns 43% of the outstanding shares of tZERO, Joseph Cammarata holds 7.53% of the outstanding shares of tZERO, and each of the following owns less than 3% of the outstanding shares of tZERO: Todd Tobacco, Newer Ventures LLC, Schalk Steyn, Raj Karkara, Alec Wilkins, Dohi Ang, Brian Capuano, Trent Larson, Eric Fish, Kristen Anne Bagley, Kirstie Dougherty, SpeedRoute Technologies Inc., Tommy McSherry, Rob Collucci, John Gilchrist, John Paul DeVito, Jimmy Ambrose, Jason Heckler, Max Melmed, Alex Vlastakis, Olalekan Abebef, Samson Arubuola, Ryan Mitchell, Zachary Wilezol, Anthony Bove, Ralph Daiuto, Rob Christiansen, Amanda Gervase, Derek Tobacco, Steve Bailey, and Dinosaur Financial. Pelion MV GP, L.L.C. ("Medici GP"), a Delaware limited liability company, serves as the

¹⁰ 15 U.S.C. 78f(b)(5).

¹¹ "Units" mean Class A Units and Class B Units. For the avoidance of doubt, the ownership or possession of Units shall not in and of itself entitle the owner or holder thereof to vote or consent to any action with respect to the Company (which rights shall be vested only in duly admitted Members of the Company), or to exercise any right of a Member of the Company under the LLC Agreement, the LLC Act, or other applicable law. See Section 1.1, LLC Agreement.

¹² "Class A Units" shall mean equal units of limited liability company interest in the Company, including an interest in the ownership and profits and losses of the Company and the right to receive distributions from the Company as set forth in the LLC Agreement. See Section 1.1, LLC Agreement.

¹³ "Class B Units" shall be identical to Class A Units except that Class B Members shall not have the right to vote on any matter related to the Company as a result of holding Class B Units. See Section 1.1, LLC Agreement.

¹⁴ Pursuant to Section 2.5(b) of the LLC Agreement, upon the consummation of any sale or transfer of a majority of the Class A Units or a majority of the assets of the Company, directly or indirectly, to any party or group of related parties, including through a series of transactions, all then outstanding Class B Units shall automatically convert into an equal number of Class A units without the need of any action by any person. For the avoidance of doubt, a Class B Member's Capital Account does not change as a result of the conversion of the Class B Units.

¹⁵ The Membership Record shall include the name and address of each Member and the number of Units of each class held by each Member.

¹⁶ See BOX Holdings LLC Agreement Sections 1.1 and 2.5.

⁵ See BSTX Rulebook Proposal.

⁶ Currently, there is only one facility of the Exchange, BOX Options Market LLC.

⁷ See Securities Exchange Act Release No. 888934 [sic] May 22, 2020, 85 FR 32085 May 28, 2020.

⁸ A BSTX Participant is a firm or organization that is registered with the Exchange pursuant to Exchange Rules for the purposes of participating on the BSTX Market as an order flow provider or market maker. See Section 1.1, LLC Agreement.

⁹ The Exchange notes, as further described in the Proposed Rule Change, that certain provisions of the BOX Holdings LLC and BOX Options LLC Agreements are not included in the LLC Agreement because they are not applicable. For example, certain provisions in the BOX Holdings LLC Agreement that are related to different voting classes of ownership are not present in the LLC Agreement because BSTX has only one voting class of ownership. See, e.g., Sections 4.1, 4.4, 4.13 and 7 of the BOX Holdings LLC Agreement.

general partner of Medici and has the sole right to manage its affairs. Medici GP owns 1% of the partnership interests in Medici (along with a profits interest in Medici), and Overstock owns 99% of the partnership interests in Medici. Membership interests in Medici GP are held by the following, each of which holds less than 25% of Medici GP: Carine Clark, Susannah Duke, Steve Glover, Brad Hintze, Jeff Kearn, Trevor Lund, Matt Mosman, Erika Nash, Zain Rizavi, Laura Summerhays, The Blake G Modersitzki 2020 Irrevocable Trust (affiliated with Blake G. Modersitzki), The Capitola Trust (affiliated with Chad Packard), The GP Investment Trust (affiliated with Chris Cooper) and The Oaxaca Dynasty Trust (affiliated with Ben Lambert). Therefore, both tZERO and the Company are affiliates of Overstock, Medici and Medici GP.

Pursuant to Section 7.4(g)(ii) of the LLC Agreement, any Controlling Person¹⁷ is required to become a party to the LLC Agreement and abide by its provisions, to the same extent and as if they were Members. Related Persons that are otherwise Controlling Persons

¹⁷ A "Controlling Person" is defined as "a Person who, alone or together with any Related Persons of such Person, holds a Controlling Interest in a Member." See Section 7.4(g)(v)(B), LLC Agreement. A "Controlling Interest" is defined as "the direct or indirect ownership of 25% or more of the total voting power of all equity securities of a Member (other than voting rights solely with respect to matters affecting the rights, preferences, or privileges of a particular class of equity securities), by any Person, alone or together with any Related Persons of such Person." See Section 7.4(g)(v)(A), LLC Agreement. A "Related Person" is defined as "with respect to any Person: (A) Any Affiliate of such Person; (B) any other Person with which such first Person has any agreement, arrangement or understanding (whether or not in writing) to act together for the purpose of acquiring, voting, holding or disposing of Units; (C) in the case of a Person that is a company, corporation or similar entity, any executive officer (as defined under Rule 3b-7 under the [Act]) or director of such Person and, in the case of a Person that is a partnership or limited liability company, any general partner, managing member or manager of such Person, as applicable; (D) in the case of any BSTX Participant who is at the same time a broker-dealer, any Person that is associated with the BSTX Participant (as determined using the definition of "person associated with a member" as defined under Section 3(a)(21) of the [Act]); (E) in the case of a Person that is a natural person and a BSTX Participant, any broker or dealer that is also a BSTX Participant with which such Person is associated; (F) in the case of a Person that is a natural person, any relative or spouse of such Person, or any relative of such spouse who has the same home as such Person or who is a director or officer of the Exchange or any of its parents or subsidiaries; (G) in the case of a Person that is an executive officer (as defined under Rule 3b-7 under the [Act]) or a director of a company, corporation or similar entity, such company, corporation or entity, as applicable; and (H) in the case of a Person that is a general partner, managing member or manager of a partnership or limited liability company, such partnership or limited liability company, as applicable."

are not required to become parties to the LLC Agreement if they are only under common control of an upstream owner but are not in the upstream ownership chain above a Company owner because they will not have the ability to exert any control over the Company. BOX Holdings, Medici, Medici GP and Overstock are indirect owners of the Company. Medici GP owns 1% of the partnership interests and a profits interest in Medici and acts as Medici's general partner. Overstock owns 43% of tZERO directly and 99% of Medici, which owns 44% of tZERO. As a result, Overstock owns, directly or indirectly, more than 80% of tZERO, which owns 50% of the voting class of equity of BSTX. Overstock, Medici and Medici GP will be required to become parties to the Company's LLC Agreement by executing an instrument of accession substantially in the form attached hereto as Exhibit 5B [sic] and abide by its provisions, to the same extent and as if they were Members, because they are Controlling Persons of the Company. Similarly, BOX Digital, BOX Holdings, MX US 2, Inc., MX US 1, Inc., Bourse de Montreal Inc., and TMX Group Limited will also each be required to become parties to the LLC Agreement by executing an instrument of accession and abide by its provisions to the same extent and as if they were Members because they are Controlling Persons of the Company. TMX Group Limited owns 100% of Bourse de Montreal Inc., which owns 100% of MX US 1, Inc., which owns 100% of MX US 2, Inc., which owns more than 40% of BOX Holdings. BOX Holdings owns 98% of BOX Digital, which owns 50% of the voting class of equity of BSTX.

Any BSTX Participant that holds, directly or indirectly, more than 20% of the Company will have its voting power capped at 20% pursuant to Section 7.4(h) of the LLC Agreement, a limitation designed to prevent a market participant from exerting undue influence on an Exchange facility.¹⁸ Related Persons will be grouped together when applying these limits. The Exchange believes the proposed voting cap provision is consistent with the Act, including Section 6(b)(1), which requires, in part, an exchange to be so organized and have the capacity to carry out the purposes of the Act.¹⁹ In particular, the voting cap is designed to minimize the ability of a BSTX Participant to improperly interfere with or restrict the ability of the Exchange to

¹⁸ LLC Agreement Section 7.4(h) is based on Section 7.4(h) of the BOX Holdings LLC Agreement.

¹⁹ 15 U.S.C. 78f(b)(1).

effectively carry out its regulatory oversight responsibilities under the Act.

The SEC will be required to be notified if an owner exceeds 5%, 10% or 15% ownership in the Company pursuant to Section 7.4(e) of the LLC Agreement.²⁰ Further, rule filings are required when an owner crosses above 20% or any subsequent 5% increment, pursuant to Section 7.4(f) of the LLC Agreement.²¹ Related Persons are grouped together when applying these limits. These are the same provisions as are contained in the BOX Holdings LLC Agreement. The Exchange believes the proposed notification provisions are consistent with the Act, including Section 6(b)(1), which requires, in part, an exchange to be so organized and have the capacity to carry out the purposes of the Act.²² In particular, SEC notification of ownership interests exceeding certain percentage thresholds can help improve the Commission's ability to effectively monitor and surveil for potential undue influence and control over the operation of the Exchange.

The Exchange notes that existing ownership limits applicable to owners of the Exchange, the entity that will have regulatory oversight of BSTX, are not changing.²³ The Exchange believes the existing ownership limits will help to ensure the independence of the Exchange's regulatory oversight of BSTX and facilitate the ability of the Exchange to carry out its regulatory responsibilities and operate in a manner consistent with the Act, and are appropriate and consistent with the requirements of the Act, particularly with Section 6(b)(1), which requires, in part, an exchange to be so organized and have the capacity to carry out the purposes of the Act.²⁴

The Company does not have the same ownership as BOX Options or BOX Holdings; therefore, the Members of the Company differ from those of BOX Options and BOX Holdings. The Exchange believes that the structure of the Company will promote just and equitable principles of trade, and, in general, protect investors and the public interest, consistent with Section 6(b)(5) of the Act.²⁵

²⁰ LLC Agreement Section 7.4(e) is based on Section 7.4(e) of the BOX Holdings LLC Agreement.

²¹ LLC Agreement Section 7.4(f) is based on Section 7.4(f) of the BOX Holdings LLC Agreement.

²² 15 U.S.C. 78f(b)(1).

²³ See Securities Exchange Act Release No. 34-66871 (April 27, 2012) 77 FR 26323 (May 3, 2012) (Order granting approval of BOX Exchange).

²⁴ 15 U.S.C. 78f(b)(1).

²⁵ 15 U.S.C. 78f(b)(5).

Term and Termination

In the discussion below, the Exchange describes provisions in the LLC Agreement related to the term and termination of the Company, highlighting areas that vary in comparison to the BOX Options LLC Agreement and/or BOX Holdings LLC Agreement and provides the statutory basis for such variation.

Pursuant to Section 2.3 of the LLC Agreement, the Company will have a perpetual legal existence unless it is sooner dissolved as a result of an event specified in the Delaware Limited Liability Company Act, as amended and in effect from time to time, and any successor statute (the “LLC Act”) or by agreement of the Members. The term is the same as the provision in the BOX Options LLC Agreement,²⁶ but also provides that the Company can be dissolved by agreement of the Members. In addition, Section 10.1 of the LLC Agreement provides that the Company shall be dissolved upon (i) the election to dissolve the Company made by the Board pursuant to Section 4.4(b)(v) of the LLC Agreement; (ii) the entry of a decree of judicial dissolution under § 18–802 of the LLC Act; (iii) the resignation, expulsion, bankruptcy or dissolution of the last remaining Member, or the occurrence of any other event which terminates the continued membership of the last remaining Member in the Company, unless the business of the Company is continued without dissolution in accordance with the LLC Act; or (iv) the occurrence of any other event that causes the dissolution of a limited liability company under the LLC Act unless the Company is continued without dissolution in accordance with the LLC Act. The dissolution events are generally the same as those in the BOX Options LLC Agreement;²⁷ however, the Company may also be dissolved by the affirmative vote of Members holding a majority of all of the then outstanding Percentage Interests²⁸ (excluding any Percentage Interests held directly or indirectly by tZERO and its Affiliates from the numerator and the denominator for such calculation) taken within 180 calendar days after the occurrence of any “Trigger Event” as such term is defined in the IP License and Services Agreement entered into by

and between tZERO and the Company (the “LSA”) and described in more detail below.²⁹ The Exchange believes that the addition of such dissolution events will promote just and equitable principles of trade, and, in general, protect investors and the public interest, consistent with Section 6(b)(5) of the Act.³⁰

Upon the occurrence of any of the events set forth in Section 10.1(a) of the LLC Agreement, the Company will be dissolved and terminated in accordance with the provisions of Article 10 of the LLC Agreement.

Governance of the Company

In the discussion below, the Exchange describes provisions in the LLC Agreement related to the governance of the Company, highlighting areas that vary in comparison to the BOX Options LLC Agreement and/or BOX Holdings LLC Agreement and provides the statutory basis for such variation.

Section 4.1 of the LLC Agreement establishes a board of directors of the Company (the “Board of Directors” or the “Board”) to manage the development, operations, business and affairs of the Company without the need for any approval of the Members or any other person. Section 4.10 of the LLC Agreement provides that, except and only to the extent expressly provided for in the LLC Agreement and the Related Agreements and as delegated by the Board of Directors to committees of the Board of Directors or to duly appointed Officers or agents of the Company, neither a Member nor any other Person other than the Board of Directors shall be an agent of the Company or have any right, power or authority to transact any business in the name of the Company or to act for or on behalf of or to bind the

Company. Section 4.12(a) of the LLC Agreement provides that each of the Members and the Directors, Officers, employees and agents of the Company (a) shall give due regard to the preservation of the independence of the self-regulatory function of the Exchange and to its obligations to investors and the general public and shall not take any actions which would interfere with the effectuation of decisions by the board of directors of the Exchange relating to its regulatory functions (including disciplinary matters) or which would interfere with the Exchange’s ability to carry out its responsibilities under the Act; (b) comply with the federal securities laws and the rules and regulations promulgated thereunder; and (c) cooperate with the Exchange pursuant to its regulatory authority and with the SEC. Section 3.2 of the LLC Agreement provides that the Exchange will (a) act as the SEC-approved SRO for the BSTX Market, (b) have regulatory responsibility for the activities of the BSTX Market and provide regulatory services to the Company pursuant to the Facility Agreement. These are the same provisions that are contained in the BOX Options LLC Agreement.³¹ These provisions ensure that the Exchange has full regulatory control over BSTX, which is designed to prevent any owner of BSTX from exercising undue influence over the regulated activities of the Company.

Section 4.1 of the LLC Agreement provides that the Board will consist of six (6) directors (each a “Director”), comprised of two (2) Directors appointed by BOX Digital, two (2) Directors appointed by tZERO (together with the BOX Digital Directors, each a “Member Director”), one (1) Director (the “Independent Director”) appointed by the unanimous vote of all of the then serving Member Directors, and one (1) non-voting Director (the “Regulatory Director”) appointed by the Exchange. As long as the Company is a facility of the Exchange pursuant to Section 3(a)(2) of the Act, the Exchange will have the right to appoint a Regulatory Director to serve as a Director. The Regulatory Director must be a member of the senior management of the regulation staff of the Exchange. By comparison, the board of directors of BOX Options is the same as BOX Holdings because it is a wholly-owned subsidiary of BOX Holdings. The remaining structure of the Board of Directors for the Company differs from that of BOX Holdings because the ownership of the Company differs from that of BOX Holdings, which has no

²⁹ The LSA defines a “Trigger Event” as meaning “any of the following events: (a) A material breach by tZERO of any of its obligations under this LSA (being either a single event which is a material breach or a series of breaches which taken together are a material breach) which material breach or failure is not cured by tZERO within 90 days after Company gives written notice of such breach or failure to tZERO hereunder, except for Critical Functions in which case the cure period shall be 10 days; (b) any bankruptcy, reorganization, debt arrangement, or other case or proceeding under any bankruptcy or insolvency Law or any non-frivolous dissolution or liquidation proceedings commenced by or against tZERO; and if such case or proceeding is not commenced by tZERO, it is acquiesced by tZERO in or remains undismissed for 30 days; (c) tZERO ceasing active operation of its business without a successor or discontinuing any of the Base Services; (d) tZERO becomes judicially declared insolvent or admits in writing its inability to pay its debts as they become due; or (e) tZERO applies for or consents to the appointment of a trustee, receiver or other custodian for tZERO, or makes a general assignment for the benefit of its creditors.”

³⁰ 15 U.S.C. 78f(b)(5).

³¹ See BOX Options LLC Agreement Sections 4.1, 4.10, 4.12, and 3.2.

²⁶ See BOX Options LLC Agreement Section 2.3.

²⁷ See BOX Options LLC Agreement Section 8.1.

²⁸ “Percentage Interests” are defined as “with respect to a Member, means the ratio of the number of Unit held by the Member to the total of all of the issued Units, expressed as a percentage and determined with respect to each class of Units whenever applicable.” See Section 1.1, LLC Agreement.

owners with 50% or greater ownership of its voting class of equity. The Company has an Independent Director to avoid either Member from controlling or creating deadlock on the Board. However, the presence of a Regulatory Director selected by the Exchange on the Board is identical to the longstanding practice at the Exchange's other facility, BOX Options. The Exchange believes that the proposed board structure, and in particular, the inclusion of the proposed Independent Director and Regulatory Director, will promote just and equitable principles of trade, 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, protect investors and the public interest, consistent with Section 6(b)(5) of the Act.³² Further, the Exchange believes that inclusion of the Regulatory Director on the BSTX Board would also be consistent with Section 6(b)(1) of the Act. This is because the Regulatory Director is required to be someone who is a member of the senior management of the regulation staff of the Exchange and is therefore a person who is knowledgeable of the rules of the Exchange and the regulations applicable to it and, in turn, is someone who would be well positioned to help ensure the Exchange, including in the operation of any facilities, continues to be so organized and has the capacity to carry out the purposes of the Act, including to prevent inequitable and unfair practices.

Section 4.3 of the LLC Agreement provides that the Board will meet as often as it deems necessary, but at least four (4) times per year.³³ Meetings of the Board or any committee thereof may be conducted in person or by telephone or in any other manner agreed to by the Board or, respectively, by the members of a committee. Any of the Directors or the Exchange may call a meeting of the Board upon fourteen (14) calendar days prior written notice. In any case where the convening of a meeting of Directors is a matter of urgency, notice of the meeting may be given not less than forty-eight (48) hours before the meeting is to be held. No notice of a meeting shall be necessary when all Directors are present. The attendance of at least a majority of all the Directors shall constitute a quorum for purposes of any

meeting of the Board. Except as may otherwise be provided by the LLC Agreement, each of the Directors will be entitled to one vote on any action to be taken by the Board, except that the Regulatory Director shall not vote on any action to be taken by the Board or any committee, the CEO (if a Director) shall not be entitled to vote on matters relating to the CEO's powers, compensation or performance, and a Director shall not be entitled to vote on any matter pertaining to that Director's removal from office. A Director may vote the votes allocated to another Director (or group of Directors) pursuant to a written proxy. Except as otherwise provided by the LLC Agreement, any action to be taken by the Board shall be considered effective only if approved by at least a majority of the votes entitled to be voted on that action. Meetings of the Board may be attended by other representatives of the Members, the Exchange and other persons related to the Company as the Board may approve. Any action required or permitted to be taken at a meeting of the Board or any committee thereof may be taken without a meeting if written consents, setting forth the action so taken, are executed by the members of the Board or committee, as the case may be, representing the minimum number of votes that would be necessary to authorize or to take that action at a meeting at which all members of the Board or committee, as the case may be, permitted to vote were present and voted. The Board will determine procedures relating to the recording of minutes of its meetings. The Exchange believes that the proposed board structure will promote just and equitable principles of trade, 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, protect investors and the public interest, consistent with Section 6(b)(5) of the Act.³⁴

Pursuant to Section 4.4 of the LLC Agreement, no action with respect to any major action (each a "Major Action"), will be effective unless approved by the Board, including the affirmative vote of all then serving Member Directors, in each case acting at a meeting. A vacancy on the Board will not prevent approval of a Major Action. No other Member votes are required for a Major Action. For purposes of the LLC

Agreement, "Major Action" means any of the following: (i) A merger or consolidation of the Company with any other entity or the sale by the Company of any material portion of its assets; (ii) entry by the Company into any line of business other than the business outlined in Article 3 of the LLC Agreement; (iii) conversion of the Company from a Delaware limited liability company into any other type of entity; (iv) except as expressly contemplated by the LLC Agreement and then existing Related Agreements, entering into any agreement, commitment, or transaction with any Member or any of its Affiliates other than transactions or agreements upon commercially reasonable terms that are no less favorable to the Company than the Company would obtain in a comparable arms-length transaction or agreement with a third party; (v) to the fullest extent permitted by law, taking any action (except pursuant to a vote of the Members pursuant to Section 10.1(a)(ii) of the LLC Agreement to effect the voluntary, or which would precipitate an involuntary, dissolution or winding up of the Company; (vi) operating the BSTX Market utilizing any other software system, other than the BSTX trading system, except as otherwise provided in the LSA or to the extent otherwise required by the Exchange to fulfill its regulatory functions or responsibilities or to oversee the BSTX Market as determined by the board of the Exchange; (vii) operating the BSTX Market utilizing any other regulatory services provider other than the Exchange, except as otherwise provided in the Facility Agreement or to the extent otherwise required by the Exchange to fulfill its regulatory functions or responsibilities or to oversee the BSTX Market as determined by the board of the Exchange; (viii) entering into any partnership, joint venture or other similar joint business undertaking; (ix) making any fundamental change in the market structure of the Company from that contemplated by the Members as of the date of the LLC Agreement, except to the extent otherwise required by the Exchange to fulfill its regulatory functions or responsibilities or to oversee the BSTX Market as determined by the board of the Exchange; (x) issuing any new Units pursuant to Section 7.6 of the LLC Agreement or admitting additional or substitute Members pursuant to Section 7.1(b); (xi) altering the provisions for Board membership applicable to any Member, except to the extent otherwise required by the Exchange to fulfill its regulatory

³² 15 U.S.C. 78f(b)(5).

³³ LLC Agreement Section 4.3 is based on Section 4.3 of the BOX Options LLC Agreement.

³⁴ 15 U.S.C. 78f(b)(5).

functions or responsibilities or to oversee the BSTX Market as determined by the board of the Exchange; and (xii) altering the definition of or requirements for approving a Major Action, except to the extent otherwise required by the Exchange to fulfill its regulatory functions or responsibilities or to oversee the BSTX Market as determined by the board of the Exchange. The Major Action events are generally the same as those in the BOX Options LLC Agreement and BOX Holdings LLC Agreement³⁵ with the exception of deletions to references to BOX Options affiliates and owners and to include cross references to other provisions of the LLC Agreement; however, the Company's LLC Agreement also provides that a Major Action also includes provisions (viii), (x), and (xi) as described above. The Exchange believes that such events should be deemed Major Actions for commercial fairness. The Exchange believes that deeming the above referenced events as Major Actions will promote just and equitable principles of trade, 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, protect investors and the public interest, consistent with Section 6(b)(5) of the Act.³⁶

Pursuant to Section 4.1(b) of the LLC Agreement, a Member Director may be removed by the Member entitled to appoint that Member Director, with or without cause. The Independent Director may be removed by a majority vote of the then serving Member Directors, with or without cause. Any Member Director or Independent Director may be removed by the Board if the Board determines, in good faith, that the Director has violated any provision of the LLC Agreement or any federal or state securities law or that such action is necessary or appropriate in the public interest or for the protection of investors. A Director shall not participate in any vote regarding that Director's removal. The Company shall promptly notify the Exchange in writing of the commencement or cessation of service of a Member Director or Independent Director. Like BOX Options, Directors may be removed by the Board for reasons related to

protection of investors and the owners with rights to appoint a Member Director have power to remove and replace their respective designees. The removal provisions for the Company's Independent Director differ from those of BOX Options and BOX Holdings because those entities do not have an Independent Director. The Exchange believes that the proposed removal provisions will promote just and equitable principles of trade, 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, protect investors and the public interest, consistent with Section 6(b)(5) of the Act. Further, the Exchange believes that the ability for Member Directors and Independent Directors to be removed from the Board in the circumstances described above would be consistent with Section 6(b)(1) of the Act.³⁷ This is because removal of such Directors who have violated the LLC Agreement or federal or state laws would help ensure that the Exchange, including in its operation of facilities, is so organized and has the capacity to be able to carry out the purposes of the Act, including the prevention of inequitable and unfair practices.

Section 4.1(c) of the LLC Agreement provides that, if a vacancy is created on the Board as a result of the death, disability, retirement, resignation or removal (with or without cause) of a Member Director or otherwise there shall exist or occur any vacancy on the Board, the Member whose designee created the vacancy will fill that vacancy by written notice to the Company. Each Member shall promptly fill vacancies on the Board, and the Board shall consider the advisability of taking further action until the vacancies are filled. The vacancy provisions are not in the BOX Options LLC Agreement; however, the Exchange believes that providing for contingencies in the event of a vacancy are important to avoid business disruption and, therefore, this proposal will foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, consistent with Section 6(b)(5) of the Act.³⁸ Further, the Exchange believes that filling Director vacancies, as described above, would provide a

predetermined and transparent manner for filling Director vacancies and therefore help avoid business disruptions at BSTX. The Exchange believes that this, in turn, would be consistent with Section 6(b)(1) of the Act³⁹ because it would help ensure that the Exchange, including in the operation of facilities, is so organized and has the capacity to be able carry out the purposes of the Act, including to remove impediments to and perfect the mechanisms of a national market system for securities.

Section 4.1(d) of the LLC Agreement provides that the Regulatory Director may be removed (a) by the Exchange, with or without cause, (b) by the Board if the Board determines, in good faith, that the Regulatory Director has violated any provision of the LLC Agreement or any federal or state securities law, or (c) by the Board if the Board determines, in good faith, that the Regulatory Director does not meet the requirements of a Regulatory Director as set forth in the LLC Agreement. If the Regulatory Director ceases to serve for any reason, the Exchange shall appoint a new Regulatory Director in accordance with the requirements in the LLC Agreement. The removal provisions in the Company's LLC Agreement are substantially the same as those in the BOX Options LLC Agreement.⁴⁰

Section 4.12(b) of the LLC Agreement provides that the Company and its Members shall comply with the federal securities laws and the rules and regulations promulgated thereunder and shall cooperate with the SEC and the Exchange pursuant to and to the extent of their respective regulatory authority. The Directors, Officers, employees and agents of the Company, by virtue of their acceptance of such position, shall comply with the federal securities laws and the rules and regulations promulgated thereunder and shall be deemed to agree to cooperate with the SEC and the Exchange in respect of the SEC's oversight responsibilities regarding the Exchange, and the Company shall take reasonable steps necessary to cause its Directors, Officers, employees and agents to so cooperate. These provisions in the LLC Agreement are the same as those in the BOX Options LLC Agreement and BOX Holdings LLC Agreement.⁴¹

Section 3.2(a)(ii) of the LLC Agreement provides that the Exchange shall receive notice of planned or

³⁹ 15 U.S.C. 78f(b)(1).

⁴⁰ See Section 4.1(d) of the BOX Options LLC Agreement.

⁴¹ See Section 4.12(b) of the BOX Options LLC Agreement and Section 4.12(b) of the BOX Holdings LLC Agreement.

³⁵ See Section 4.4 of the BOX Options LLC Agreement and Section 4.4 of the BOX Holdings LLC Agreement.

³⁶ 15 U.S.C. 78f(b)(5).

³⁷ 15 U.S.C. 78f(b)(1).

³⁸ 15 U.S.C. 78f(b)(5).

proposed changes to the Company (but not including changes relating solely to one or more of the following: Marketing, administrative matters, personnel matters, social or team building events, meetings of the Members, communication with the Members, finance, location and timing of Board meetings, market research, real property, equipment, furnishings, personal property, intellectual property, insurance, contracts unrelated to the operation of the BSTX Market and de minimis items (“Non-Market Matters”) or the BSTX Market (including, but not limited to the BSTX trading system) which will require an affirmative approval by the Exchange prior to implementation, not inconsistent with the LLC Agreement. Planned changes include, without limitation: (a) Planned or proposed changes to the BSTX trading system; (b) the sale by the Company of any material portion of its assets; (c) taking any action to effect a voluntary, or which would precipitate an involuntary, dissolution or winding up of the Company; or (d) obtaining regulatory services from a regulatory services provider other than the Exchange. Procedures for requesting and approving changes shall be established by the mutual agreement of the Company and the Exchange. These provisions in the LLC Agreement are the same as those in the BOX Options LLC Agreement.⁴²

Section 3.2(a)(iii) of the LLC Agreement provides that in the event that the Exchange, in its sole discretion, determines that the proposed or planned changes to the Company or the BSTX Market (including, but not limited to, the BSTX trading system) set forth in Section 3.2(a)(ii) of the LLC Agreement could cause a Regulatory Deficiency if implemented, the Exchange may direct the Company, subject to approval of the Exchange board of directors, to modify the proposal as necessary to ensure that it does not cause a Regulatory Deficiency. The Company will not implement the proposed change until it, and any required modifications, are approved by the Exchange board of directors. The costs of modifications undertaken shall be paid by the Company. These provisions in the LLC Agreement are the same as those in the BOX Options LLC Agreement.⁴³ These provisions ensure the Exchange maintains full regulatory control and authority over BSTX while it operates as a facility of the Exchange. The Exchange

believes this provision helps guarantee the Exchange’s ability to fulfill its regulatory responsibilities and operate in a manner consistent with the Act, in particular with Section 6(b)(1), which requires, in part, an exchange to be so organized and have the capacity to carry out the purposes of the Act.⁴⁴

Section 3.2(a)(iv) of the LLC Agreement provides that in the event that the Exchange, in its sole discretion, determines that a Regulatory Deficiency exists or is planned, the Exchange may direct the Company, subject to approval of the Exchange board of directors, to undertake such modifications to the Company (but not to include Non-Market Matters) or the BSTX Market (including, but not limited to, the BSTX trading system), as are necessary or appropriate to eliminate or prevent the Regulatory Deficiency and allow the Exchange to perform and fulfill its regulatory responsibilities under the Act.⁴⁵ The costs and modifications undertaken shall be paid by the Company. These provisions in the LLC Agreement are substantially the same as those in the BOX Options LLC Agreement, with the exception of a reference to an agreement that is not applicable to the Company.⁴⁶

Regulatory Funds

Pursuant to Section 9 of the Facility Agreement, the Company will agree that the Exchange has the right to receive all fees, fines and disgorgements imposed upon BSTX Participants with respect to the Company’s trading system (“Regulatory Funds”) and all market data fees, tape and other revenues (“Non-regulatory Funds”). All Regulatory Funds and Non-regulatory Funds collected by the Exchange with respect to the Company may be used by the Exchange for regulatory purposes, which will be determined in the sole discretion of the Exchange. To the extent the Company incurs costs and expenses for regulatory purposes, the Exchange may reimburse the Company using Regulatory Funds. In the event the

⁴⁴ 15 U.S.C. 78f(b)(1).

⁴⁵ As discussed above, the Exchange will appoint a Regulatory Director who may, among other things, serve as a Director of any regulatory committee(s). Such individual will also have insight and access to important information related to the Company; for example, while the Regulatory Director may not serve as a Director on Board committees other than authorized regulatory committees, the Regulatory Director nevertheless shall (A) have the right to attend all meetings of the Board and committees thereof; (B) receive equivalent notice of meetings as other Directors; and (C) receive a copy of the meeting materials provided to other Directors, including agendas, action items and minutes for all meetings. (See LLC Agreement § 4.2(c).)

⁴⁶ See Section 3.2(a)(iv) of the BOX Options LLC Agreement.

Exchange, at any time, determines that it does not hold sufficient funds to meet all regulatory purposes, the Company will reimburse the Exchange for any such additional costs and expenses. All Regulatory Funds collected by the Exchange will be retained by the Exchange and not transferred to the Company. Non-regulatory funds collected by the Exchange may be transferred to the Company after the Exchange makes adequate provision for all regulatory purposes. These provisions ensure that the Exchange has full control over BSTX with respect to its regulated functions and is designed to prevent any owner of BSTX from exercising undue influence over the regulated activities of the Company.

Capital Contributions and Distributions

In the discussion below, the Exchange describes provisions in the LLC Agreement related to capital contributions and distributions by the Company, highlighting areas that vary in comparison to the BOX Options LLC Agreement and/or BOX Holdings LLC Agreement and provides the statutory basis for such variation.

Pursuant to Section 6.1 of the LLC Agreement, all capital contributions contributed to the Company by holders of Units shall be reflected on the books and records of the Company. No interest will be paid on any capital contribution to the Company. No Member will have any personal liability for the repayment of the capital contribution of any Member, and no Member will have any obligation to fund any deficit in its Capital Account. Each Member waived any right to partition the property of the Company or to commence an action seeking dissolution of the Company under the LLC Act. These provisions are substantially the same as those in the BOX Holdings LLC Agreement.⁴⁷

Under Section 6.2 of the LLC Agreement, the Board, in its sole discretion, will determine the capital needs of the Company. If at any time the Board determines that additional capital is required in the interests of the Company, additional working capital shall be raised in such manner as determined by a vote of the Board, including the affirmative vote of at least one Member Director appointed by each Member, but the Board will not have the power to require the Members to make any additional capital contributions. These provisions in the LLC Agreement are substantially the same as those in the BOX Options LLC Agreement, with the exception of the requirement for at

⁴⁷ See Section 6.1 of the BOX Holdings LLC Agreement.

⁴² See Section 3.2(a)(ii) of the BOX Options LLC Agreement.

⁴³ See Section 3.2(a)(iii) of the BOX Options LLC Agreement.

least one Member Director appointed by each Member to affirmatively vote on the manner to raise additional working capital.⁴⁸ The Exchange believes that this added provision exists for purposes of commercial fairness and is necessary due to the ownership structure of the Company and that it will foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, consistent with Section 6(b)(5) of the Act.⁴⁹

Pursuant to Section 8.1 of the LLC Agreement, if at any time and from time to time the Board determines that the Company has cash that is not required for the operations of the Company, the payment of liabilities or expenses of the Company, or the setting aside of reserves to meet the anticipated cash needs of the Company (“Distributable Cash”), then the Company shall make cash distributions to its Members in the following manner and priority: First, the Company shall make tax distributions (“Tax Distributions”) to the Members to cover each Member’s estimated income tax for that period (or in the event that Distributable Cash is less than the total of all such Tax Amounts, the Company shall distribute the Distributable Cash in proportion to such Tax Amounts). All tax distributions to a Member will be treated as advances against any subsequent distributions to be made to that Member. Subsequent distributions made to the Member shall be adjusted so that when aggregated with all prior distributions to the Member pursuant to those provisions, and with all prior Tax Distributions to the Member, the amount distributed will be equal, as nearly as possible, to the aggregate amount that would have been distributable to that Member pursuant to the LLC Agreement if the LLC Agreement contained no provision for Tax Distributions; second, when, as and if declared by the Board, the Company shall make cash distributions to each of the Members pro rata in accordance with that Member’s respective Percentage Interest. Since the Company does not have the same ownership as BOX Options, the distribution provisions in the LLC Agreement differ from the BOX Options LLC Agreement and BOX Holdings LLC Agreement. These provisions relate to tax and accounting rules to which the Company is subject, due to its ownership structure. As such, these provisions are standard or not novel for a similarly

situated commercial business registered as a limited liability company under the laws of the state of Delaware.

Section 8.2 of the LLC Agreement provides that the Company, and the Board on behalf of the Company, shall not make a distribution to any Member on account of its ownership interest in the Company if, and to the extent, such distribution would violate the LLC Act or other applicable law. This provision in the LLC Agreement is the same as the provision in the BOX Options LLC Agreement and BOX Holdings LLC Agreement.⁵⁰

Section 9.1 of the LLC Agreement provides that all profits, losses and credits of the Company (for both accounting and tax purposes) for each fiscal year shall be allocated to the Members from time to time (but no less often than once annually and before making any distribution to the Members) pro rata among the Members based on that Member’s respective Percentage Interest, subject to limitations, offsets, chargebacks, deductions and revaluations. Since the Company does not have the same ownership as BOX Options, the allocation of profits and losses provisions in the LLC Agreement differ from the BOX Options LLC Agreement. These provisions relate to tax and accounting rules to which the Company is subject, due to its ownership structure. As such, these provisions are standard or not novel for a similarly situated commercial business registered as a limited liability company under the laws of the state of Delaware.

Under Section 9.9 of the LLC Agreement, any profits or losses resulting from a liquidation, merger or consolidation of the Company, the sale of substantially all the assets of the Company in one or a series of related transactions, or any similar event (and, if necessary, specific items of gross income, gain, loss or deduction incurred by the Company in the fiscal year of the transaction(s)) shall be allocated among the Members so that after those allocations and the allocations required pursuant to capital account adjustments, and immediately before the making of any liquidating distributions to the Members, the Members’ Capital Accounts equal, as nearly as possible, the amounts of the respective distributions to which they are entitled in a winding up. Since the Company does not have the same ownership as BOX Options, the termination and special allocation provisions in the LLC

Agreement differ from the BOX Options LLC Agreement. These provisions relate to tax and accounting rules to which the Company is subject, due to its ownership structure. As such, these provisions are standard or not novel for a similarly situated commercial business registered as a limited liability company under the laws of the state of Delaware.

Pursuant to Section 10.2 of the LLC Agreement, the assets of the Company in winding up shall be applied or distributed as follows: First, to creditors of the Company, including Members who are creditors, to the extent otherwise permitted by law, whether by payment or the making of reasonable provisions for the payment thereof, and including any contingent, conditional and unmatured liabilities of the Company, taking into account the relative priorities thereof; second, to the Members and former Members in satisfaction of liabilities under the LLC Act for distributions to those Members and former Members; and third, to the Members in proportion to their respective Percentage Interests. A reasonable reserve for contingent, conditional and unmatured liabilities in connection with the winding up of the business of the Company shall be retained by the Company until the winding up is completed or the reserve is otherwise deemed no longer necessary by the liquidator. These provisions are substantially the same as those in the BOX Holdings LLC Agreement, with the exception of certain provisions that were not included in the LLC Agreement because they are inapplicable to the Company’s structure.⁵¹

Intellectual Property

In the discussion below, the Exchange describes provisions in the LLC Agreement related to intellectual property of the Company, highlighting areas that vary in comparison to the BOX Options LLC Agreement and/or BOX Holdings LLC Agreement and provides the statutory basis for such variation.

Pursuant to Section 3.2(b) of the LLC Agreement, tZERO will provide to the Company the intellectual property license and services necessary to operate the BSTX trading system as set forth in the LSA and will make the necessary arrangements with any applicable third parties which will permit the Company to be an authorized sublicensee of any required third-party software necessary for Trading on the

⁴⁸ See Section 6.2 of the BOX Options LLC Agreement.

⁴⁹ 15 U.S.C. 78f(b)(5).

⁵⁰ See Section 7.1 of the BOX Options LLC Agreement and Section 8.2 of the BOX Holdings LLC Agreement.

⁵¹ See Section 10.2 of the BOX Holdings LLC Agreement.

BSTX trading system. The intellectual property provisions in the LLC Agreement are similar to those in the BOX Options LLC Agreement, but contain certain differences reflecting the license and services of tZERO pursuant to the LSA rather than the software and technology provided by MX pursuant to the TOSA in connection with the BOX Options LLC Agreement.⁵²

Under the LSA, tZERO will provide the Company and the Exchange with a perpetual, fully paid up, royalty-free license to use its intellectual property comprising the BSTX trading system. In addition, the LSA provides that tZERO will provide services to the Company, including services related to implementing, administering, maintaining, supporting, hosting, developing, testing and securing the trading system. These services to be provided by tZERO relate to the specialized trading system operated by BSTX and are separate from any administrative or office technology services provided to BSTX by the Exchange discussed above.

Pursuant to the LSA, tZERO retains its ownership of the BSTX trading system and tZERO's trademarks and service marks; provided, however, that the Company will own deliverables, enhancements and other technology that are developed or created by tZERO for the Company, including any related documentation and intellectual property.

Non-Competition

In the discussion below, the Exchange describes provisions in the LLC Agreement related to non-competition, highlighting areas that vary in comparison to the BOX Options LLC Agreement and/or BOX Holdings LLC Agreement and provides the statutory basis for such variation.

Section 16.1 of the LLC Agreement provides that, for so long as it holds, directly or indirectly, a combined Percentage Interest in the Company of five percent (5%) or more, a Member will not hold or invest in more than five percent (5%) of, or participate in the creation and/or operation of, any U.S.-based market for the secondary trading of security tokens or in any person engaged in the creation and/or operation of any U.S.-based market for the secondary trading of security tokens. The non-competition provision is substantially the same as the non-

competition provision in the BOX Holdings LLC Agreement.⁵³

Changes in Ownership of the Company

In the discussion below, the Exchange describes provisions in the LLC Agreement related to changes in ownership of the Company, highlighting areas that vary in comparison to the BOX Options LLC Agreement and/or BOX Holdings LLC Agreement and provides the statutory basis for such variation.

Section 7.1(a) of the LLC Agreement provides that no person will directly or indirectly, whether voluntarily, involuntarily, by operation of law or otherwise, dispose of, sell, alienate, assign, exchange, participate, subparticipate, encumber, or otherwise transfer in any manner (each, a "Transfer") its Units unless prior to that Transfer the transferee is approved by a vote of the Board. To be eligible for Board approval, a proposed transferee must be of high professional and financial standing, be able to carry out its duties as a Member hereunder, if admitted as a Member, and be under no regulatory or governmental bar or disqualification. Notwithstanding the foregoing, registration as a broker-dealer or self-regulatory organization is not required to be eligible for Board approval. However, the following will not be included in the definition of "Transfer": Transfers among Members, transfers to any person directly or indirectly owning, controlling or holding with power to vote all of the outstanding voting securities of and equity or beneficial interests in that Member, or transfers to any person that is a wholly owned Affiliate of a transferring Member. A holder of Units will provide prior written notice to the Exchange of any proposed Transfer. Any Transfer which violates the Transfer restrictions in the LLC Agreement will be void and ineffectual and will not bind or be recognized by the Company.

Section 7.1(b) of the LLC Agreement establishes that a person will be admitted to the Company as an additional or substitute Member of the Company only upon that person's execution of a counterpart of the LLC Agreement to evidence its written acceptance of the terms and provisions of the LLC Agreement, and acceptance thereof by resolution of the Board, which acceptance may be given or withheld in the sole discretion of the Board; if that person is a transferee, its agreement in writing to its assumption of the obligations under the LLC

Agreement of its assignor, and acceptance thereof by resolution of the Board; if that person is a transferee, a determination by the Board that the Transfer was permitted by the LLC Agreement; and approval of the Board. Whether or not a transferee who acquired any Units has accepted in writing the terms and provisions of the LLC Agreement and assumed in writing the obligations hereunder of its predecessor in interest, that transferee will be deemed, by the acquisition of those Units, to have agreed to be subject to and bound by all the obligations of the LLC Agreement with the same effect and to the same extent as any predecessor in interest of that transferee. Notwithstanding the foregoing, any Person to which the Company issues new Class B Units shall be automatically admitted as a Member upon such Person's execution of a counterpart of this Agreement. Pursuant to Section 7.1(c) of the LLC Agreement, all costs incurred by the Company in connection with the admission of a substituted Member will be paid by the transferor Member. The transfer provisions in Section 7.1 of the LLC Agreement are not contained in the BOX Options LLC Agreement; however, the Exchange notes that the provisions of Section 7.1 are substantially based on provisions in the BOX Holdings Group LLC Agreement.⁵⁴

Pursuant to Section 7.2 of the LLC Agreement, the Company will have a right of first refusal if a Member desires to Transfer its Units, and obtains a bona fide offer therefor from a third-party transferee. Further, Section 7.3 of the LLC Agreement provides that, if the Company does not elect to exercise its right of first refusal, the non-transferring Member(s) next have a right of first refusal. The provisions in Sections 7.2 and 7.3 of the LLC Agreement are substantially based on provisions found in the BOX Holdings LLC Agreement, with certain variations to account for differences in corporate and ownership structure.⁵⁵ The Exchange believes that such variations are necessary to ensure proper application of the LLC Agreement's provisions to the Company, which serve to remove impediments to and perfect the mechanism of a free and open market and a national market system, consistent with Section 6(b)(5) of the Act.⁵⁶ Further, the Exchange believes that the variations in Sections 7.2 and 7.3 of the LLC Agreement that

⁵⁴ See Section 7.1 of the BOX Holdings LLC Agreement.

⁵⁵ See Sections 7.2 and 7.3 of the BOX Holdings LLC Agreement.

⁵⁶ 15 U.S.C. 78f(b)(5).

⁵² See Article 13 of the BOX Options LLC Agreement.

⁵³ See Section 16.1 of the BOX Holdings LLC Agreement.

tailor those provisions to the corporate and ownership structure of BSTX would help ensure that persons subject to the Exchange's jurisdiction are able to navigate and more readily understand the LLC Agreement. The Exchange believes that this, in turn, would be consistent with Section 6(b)(1) of the Act⁵⁷ because it would help ensure that the Exchange, including in its operation of facilities, is so organized and has the capacity to be able to carry out the purposes of the Act.

Pursuant to Section 7.4 of the LLC Agreement, no Transfer may occur if the Transfer could cause a termination of the Company, could cause a termination of the Company's status as a partnership or cause the Company to be treated as a publicly traded partnership for federal income tax purposes, is prohibited by any securities laws, is prohibited by the LLC Agreement, or is to a minor or incompetent person.

Section 7.4(e) of the LLC Agreement requires that a Member will provide the Company with written notice fourteen (14) days prior, and the Company will provide the Commission and the Exchange with written notice ten (10) days prior, to the closing date of any acquisition that results in that Member's Percentage Interest, alone or together with any related person of that Member, meeting or crossing the threshold level of 5% or the successive 5% Percentage Interest levels of 10% and 15%. Any person that, either alone or together with its related persons, owns, directly or indirectly, of record or beneficially, five percent (5%) or more of the then outstanding Units will, immediately upon acquiring knowledge of its ownership of five percent (5%) or more of the then outstanding Units, give the Company written notice of that ownership. In addition, Section 7.4(f) of the LLC Agreement provides that any Transfer that results in the acquisition and holding by any person, alone or together with its related persons, of an aggregate Percentage Interest level which meets or crosses the threshold level of 20% or any successive 5% Percentage Interest level (*i.e.*, 25%, 30%, etc.) is also subject to the rule filing process pursuant to Section 19 of the Act.

Under Section 7.4(g) of the LLC Agreement, unless it does not directly or indirectly hold any interest in a Member, a Controlling Person (as defined below) of a Member will be required to execute an amendment to the LLC Agreement upon establishing a Controlling Interest (as defined below) in any Member that, alone or together

with any related persons of that Member, holds a Percentage Interest in the Company equal to or greater than 20%. This amendment will be substantially in the form of the instrument of accession attached as Exhibit 5B hereto [sic] and provide that the Controlling Person will agree to become a party to the LLC Agreement and to abide by all of its provisions, to the same extent and as if they were Members. These amendments to the LLC Agreement will be subject to the rule filing process pursuant to Section 19 of the Act. The rights and privileges, including all voting rights, of the Member in whom a Controlling Interest is held, directly or indirectly, under the LLC Agreement and the LLC Act will be suspended until the amendment has become effective pursuant to Section 19 of the Act or the Controlling Person no longer holds, directly or indirectly, a Controlling Interest in the Member.⁵⁸ As a result, any new Member or other direct or indirect owner of an equity interest in BSTX, whether by transfer of such equity interest from an existing owner or otherwise, will be subject to the same requirements as all other Members, namely that it will be required to execute an instrument of accession to the LLC Agreement and be subject to the rule filing process if the new Member holds, directly or indirectly, a Controlling Interest in BSTX.

In accordance with Section 7.4(h) of the LLC Agreement, if a Member, or any related person of that Member, is approved by the Exchange as a BSTX Participant pursuant to the Exchange Rules, and that Member's Percentage Interest is greater than 20%, alone or together with any Related Person of that Member, the voting rights of the Member and its appointed Member Directors will be limited to 20%; provided, however, that the Member's full Percentage Interest will be counted for quorum purposes and the portion greater than 20% will be voted by the person presiding over quorum and vote matters in the same proportion as the Units held by the other Members are voted. The Exchange notes that Section 7.4 of the Company's LLC Agreement is identical in substance to provisions of the BOX Holdings LLC Agreement.⁵⁹

In addition to the provisions discussed above, Section 5 of the LLC Agreement includes provisions that relate to changes in ownership of the Company. Because BOX Options is wholly-owned by BOX Holdings, the

LLC Agreement differs from the BOX Options LLC Agreement. Under Section 5.5 of the LLC Agreement, a Member will cease to be a Member of the Company upon the Bankruptcy or the involuntary dissolution of that Member. Further, Section 5.8 of the LLC Agreement allows the Board, by unanimous vote and after appropriate notice and opportunity for hearing, to suspend or terminate a Member's voting privileges or membership in the Company for three potential reasons: (i) In the event the Board determines in good faith that such Member is subject to a "statutory disqualification," as defined in Section 3(a)(39) of the Act; (ii) in the event the Board determines in good faith that such Member has violated a material provision of this Agreement, or any federal or state securities law; or (iii) in the event the Board determines in good faith that such action is necessary or appropriate in the public interest or for the protection of investors. The Exchange believes that limiting the ability to participate in the Company for Members who may act in contravention of legal or ethical standards may promote just and equitable principles of trade, and, in general, protects investors and the public interest, consistent with Section 6(b)(5) of the Act.⁶⁰ Further, the Exchange believes that the ability to suspend or terminate a Member's voting privileges or membership in the Company as described above would be consistent with Section 6(b)(1) of the Act.⁶¹ This is because such measures in respect of Members who act in contravention of legal or ethical standards would help ensure that the Exchange, including in its operation of facilities, is so organized and has the capacity to be able to carry out the purposes of the Act, including the prevention of inequitable and unfair practices.

Finally, the Exchange notes that Section 18.1 of the Company's LLC Agreement provides that amendments to the LLC Agreement must be approved by the Board, including one Member Director appointed by each of BOX Digital and tZERO, and any amendment of a provision specific to any Class, Member, or the Exchange requires the consent of holders of a majority of the outstanding Units of such Class, or such Member or the Exchange (as applicable). In addition, the Company shall provide prompt notice to the Exchange of any amendment, modification, waiver or supplement to the Agreement formally presented to the Board for approval and

⁵⁸ See *supra* note 16.

⁵⁹ See Section 7.4 of the BOX Holdings LLC Agreement.

⁶⁰ 15 U.S.C. 78f(b)(5).

⁶¹ 15 U.S.C. 78f(b)(1).

⁵⁷ 15 U.S.C. 78f(b)(1).

the Exchange shall review each such amendment, modification, waiver or supplement and, if such amendment is required, under Section 19 of the Act and the rules promulgated thereunder, to be filed with, or filed with and approved by, the SEC before such amendment may be effective, then such amendment shall not be effective until filed with, or filed with and approved by, the SEC, as the case may be.⁶² These provisions are similar to provisions in the BOX Holdings LLC Agreement but differ in details related to the different ownership structure of the Company.⁶³

Regulation of the Company

In the discussion below, the Exchange describes provisions in the LLC Agreement related to regulation of the Company, highlighting areas that vary in comparison to the BOX Options LLC Agreement and/or BOX Holdings LLC Agreement and provides the statutory basis for such variation.

Generally, Section 3.2 of the LLC Agreement, which is identical in substance to a provision in the BOX Options LLC Agreement, provides that the Exchange has authority to act as the SRO for the Company, will provide the regulatory framework for the BSTX Market and will have regulatory responsibility for the activities of the BSTX Market.⁶⁴ In addition, the Exchange will provide regulatory services to the Company pursuant to the Facility Agreement. Nothing in the LLC Agreement shall be construed to prevent the Exchange from allowing the Company to perform activities that support the regulatory framework for the BSTX Market, subject to oversight by the Exchange. This provision ensures that the Exchange has full regulatory control over BSTX, which is designed to prevent any owner of BSTX from exercising undue influence over the regulated activities of the Company.

Section 15 of the LLC Agreement deals with how the Company will govern the handling of confidential information, as it relates to the securities regulations and otherwise. All of the provisions in Section 15 of the LLC Agreement are substantively similar to provisions in the BOX Options LLC Agreement, except where noted below.⁶⁵ Under Sections 15.1 and 15.2(a) of the LLC Agreement, subject to

certain exceptions set forth below, no Member will make any public disclosures concerning the LLC Agreement without the prior approval of the Company. Each Member and the Exchange may only use confidential information of the Company in connection with the activities contemplated by the LLC Agreement and other written agreements and pursuant to the Act and the rules and regulations thereunder. Furthermore, Section 15.4 of the LLC Agreement provides that representatives of the parties will meet to institute confidentiality procedures and discuss confidentiality and disclosure issues.

Pursuant to Section 15.2(b) of the LLC Agreement, each of the Members and the Exchange may disclose confidential information of the Company only to its respective directors, officers, employees and agents who have a reasonable need to know the information. Also, such individuals may disclose confidential information of the Company to the extent required by applicable securities or other laws, a court or securities regulators, including the Commission and the Exchange.

Section 15.3 of the LLC Agreement requires that each Member and the Exchange will hold all non-public information concerning the other Members or the Exchange in strict confidence, unless disclosure to an applicable regulatory authority is necessary or appropriate or unless compelled to disclose by judicial or administrative process or required by law. If a Member or the Exchange is compelled to disclose any Member Information in connection with any necessary regulatory approval or by judicial or administrative process, it will promptly notify the disclosing party to allow the disclosing party to seek a protective order.

Pursuant to Section 15.5 of the LLC Agreement, nothing in the LLC Agreement will be interpreted as to limit or impede the rights of the Commission, pursuant to the federal securities laws and rules and regulations thereunder, and the Exchange to access and examine applicable confidential information pursuant to the federal securities laws and the rules and regulations thereunder, or to limit or impede the ability of any directors, officers, employees or agents of the Company and any directors, officers, employees or agents of the Members to disclose that confidential information to the Commission or the Exchange. This is substantially the same provision that is contained in the BOX Options LLC Agreement, except that it also provides

that the SEC can access and examine Confidential Information, pursuant to the federal securities laws and rules and regulations thereunder.⁶⁶

Under Section 15.6 of the LLC Agreement, confidential information of the Company or the Exchange pertaining to regulatory matters (including but not limited to disciplinary matters, trading data, trading practices and audit information) will not be made available to any persons other than to the Company's Directors, officers, employees and agents that have a reasonable need to know the contents thereof; will be retained in confidence by the Company and the Directors, officers, employees and agents of the Company; and will not be used for any non-regulatory purpose. Nothing in the LLC Agreement will be interpreted as to limit or impede the rights of the Commission and the Exchange to access and examine that confidential information pursuant to the federal securities laws and the rules and regulations thereunder, or to limit or impede the ability of any Directors, officers, employees and agents of the Company to disclose that confidential information to the Commission or the Exchange.

Finally, Section 18.8 of the LLC Agreement establishes that the Company will not operate as a facility of the Exchange until this rule filing is effective. Upon effectiveness, the Commission and the Exchange will then have regulatory oversight responsibilities with respect to the Company and references in the LLC Agreement to the Exchange, the Commission, any regulation or oversight of the Company by the Commission or the Exchange, and any participation in the affairs of the Company by the Commission or the Exchange, will take effect. The execution of the LLC Agreement by the Exchange will not be required until the approval is obtained, at which time the Exchange will become a party to the LLC Agreement. This provision is not included in the BOX Options LLC Agreement because it would not be applicable. By not operating the Company until this rule filing is effective, the Exchange believes it is fostering cooperation and coordination with persons engaged in regulating (e.g., the Commission), clearing, settling, processing information with respect to, and facilitating transactions in securities, consistent with Section 6(b)(5) of the Act.⁶⁷

⁶² A proposed rule change can also become effective by operation of law. See 15 U.S.C. 78s(b)(2).

⁶³ See Section 18.1 of the BOX Holdings LLC Agreement.

⁶⁴ See Section 3.2 of the BOX Options LLC Agreement.

⁶⁵ See Article 12 of the BOX Options LLC Agreement.

⁶⁶ See Section 12.5 of the BOX Options LLC Agreement.

⁶⁷ 15 U.S.C. 78f(b)(5).

Regulatory Jurisdiction Over Members

In the discussion below, the Exchange describes provisions in the LLC Agreement related to regulatory jurisdiction over Members by the Company, highlighting areas that vary in comparison to the BOX Options LLC Agreement and/or BOX Holdings LLC Agreement and provides the statutory basis for such variation.

Pursuant to Section 11.1 of the LLC Agreement, which is similar in substance to a provision in the BOX Holdings LLC Agreement, the Board will cause to be entered in appropriate books, kept at the Company's principal place of business, all transactions of or relating to the Company.⁶⁸ Each Member will have the right to inspect and copy those books and records, excluding regulatory and disciplinary information. The Board will not have the right to keep confidential from the Members any information that the Board would otherwise be permitted to keep confidential pursuant to § 18-305(c) of the LLC Act, except for information required by law or by agreement with any third party to be kept confidential. The Company's independent auditor will be an independent public accounting firm selected by the Board. To the extent related to the operation or administration of the Exchange or the BSTX Market, all books and records of the Company and its Members will be maintained at a location within the United States, the books, records, premises, directors, officers, employees and agents of the Company and its Members will be deemed to be the books, records, premises, directors, officers, employees and agents of the Exchange for the purposes of, and subject to oversight pursuant to, the Act, and the books and records of the Company and its Members will be subject at all times to inspection and copying by the Commission and the Exchange.

Under Section 18.6(a) of the LLC Agreement, to the extent they are related to Company activities, the books, records, premises, officers, directors, agents, and employees of the Member will be deemed to be the books, records, premises, officers, directors, agents, and employees of the Exchange for the purpose of and subject to oversight pursuant to the Act. Further, pursuant to Section 18.6(b) of the LLC Agreement, the Company, the Members and the officers, directors, employees and agents of each, by virtue of their acceptance of those positions, will be deemed to irrevocably submit to the jurisdiction of

the U.S. federal courts, the Commission and the Exchange for purposes of any suit, action or proceeding pursuant to U.S. federal securities laws, the rules or regulations thereunder, arising out of, or relating to, activities of the Exchange and the Company, and Delaware state courts for any matter relating to the organization or internal affairs of the Company, and will be deemed to waive, and agree not to assert by way of motion, as a defense or otherwise in any suit, action or proceeding, any claims that they are not personally subject to the jurisdiction of the U.S. federal courts, the Commission, the Exchange or Delaware state courts, as applicable, that the suit, action or proceeding is an inconvenient forum or that the venue of the suit, action or proceeding is improper, or that the subject matter hereof may not be enforced in or by those courts or agencies. The Company, the Members and the officers, directors, employees and agents of each, by virtue of their acceptance of those positions, also agree that they will maintain an agent in the United States for the service of process of a claim arising out of, or relating to, the activities of the Exchange and the Company. These provisions are substantially similar to provisions of the BOX Options LLC Agreement.⁶⁹

Pursuant to Section 18.6(c) of the LLC Agreement, with respect to obligations under the LLC Agreement related to confidentiality regulation, jurisdiction and books and records, the Company, the Exchange, and each Member will ensure that directors, officers and employees of the Company, the Exchange, and each Member consent in writing to the applicability of the applicable provisions to the extent related to the operation or administration of the Exchange or the BSTX Market. This provision is substantially the same as the provision contained in the BOX Options LLC Agreement, with the exception of the deletion of a reference to privacy rules in Canada, which are not applicable to the current Members of the Company.⁷⁰ The Exchange believes that allowing only applicable laws to be referenced in the LLC Agreement helps to ensure that proper legal standards apply to the Company, which may foster cooperation and coordination with persons engaged in regulating transactions in securities, consistent with Section 6(b)(5) of the Act.⁷¹ Further, the Exchange believes that basing the provisions described

above on the BOX Options LLC Agreement but omitting terms that are not applicable would help ensure that persons subject to the Exchange's jurisdiction are able to navigate and more readily understand the LLC Agreement. The Exchange believes that this, in turn, would be consistent with Section 6(b)(1) of the Act⁷² because it would help ensure that the Exchange, including in its operation of facilities, is so organized and has the capacity to be able to carry out the purposes of the Act.

Amendments to LLC Agreement

In the discussion below, the Exchange describes provisions in the LLC Agreement related to amendments to the LLC Agreement, highlighting areas that vary in comparison to the BOX Options LLC Agreement and/or BOX Holdings LLC Agreement and provides the statutory basis for such variation.

Section 18.1 of the LLC Agreement, which is substantially similar to a provision in the BOX Holdings LLC Agreement,⁷³ provides that the LLC Agreement may only be amended by an agreement in writing approved by the Board, including at least one Member Director appointed by each Member, without the consent of any Member or other person. In addition, any terms specific to any Class, or Member or to the Exchange may not be altered or adversely affect that Member or the Exchange without the prior written consent of holders of a majority of the outstanding Units of such Class, or such Member or the Exchange as applicable. The Company will provide prompt notice to the Exchange of any amendment, modification, waiver or supplement to the LLC Agreement formally presented to the Board for approval and the Exchange will review each amendment, modification, waiver or supplement and, if that amendment is required, under Section 19 of the Act and the rules promulgated thereunder, to be filed with, or filed with and approved by, the Commission before that amendment may be effective, then that amendment will not be effective until filed with, or filed with and approved by, the Commission, as the case may be. If the Exchange ceases to be the SRO authority of the Company, the Exchange will no longer be a party to the LLC Agreement and thereafter the provisions of the LLC Agreement will not apply to the Exchange except for the provisions referenced in Section 18.12, which will survive.

⁶⁸ See Section 11.1 of the BOX Holdings LLC Agreement.

⁶⁹ See Section 14.6 of the BOX Options LLC Agreement.

⁷⁰ See Section 14.6(c) of the BOX Options LLC Agreement.

⁷¹ 15 U.S.C. 78f(b)(5).

⁷² 15 U.S.C. 78f(b)(1).

⁷³ See Section 18.1 of the BOX Holdings LLC Agreement.

Additional Provisions

As previously mentioned, BSTX is a Delaware limited liability company. As such, the LLC Agreement contains numerous provisions that are standard or not novel for a similarly situated commercial business registered as a limited liability company under the laws of the state of Delaware.⁷⁴ The Exchange believes that these provisions are consistent with Section 6(b)(1) of the Act⁷⁵ because they are consistent with corporate governance practices, generally, and they would help ensure that the Exchange, including in its operation of facilities, is so organized and has the capacity to be able to carry out the purposes of the Act.

2. Statutory Basis

In addition to the sections above that discuss variations from the BOX Options LLC Agreement and/or BOX Holdings LLC Agreement and their associated statutory bases, the Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act,⁷⁶ in general, and furthers the objectives of Section 6(b)(1),⁷⁷ in particular, in that it enables the Exchange to be so organized so as to have the capacity to be able to carry out the purposes of the Act and to comply, and to enforce compliance by its exchange members and persons associated with its exchange members, with the provisions of the Act, the rules and regulations thereunder, and the rules of the Exchange. The Exchange also believes that this filing furthers the objectives of Section 6(b)(5) of the Act⁷⁸ in that it is designed to facilitate transactions in securities, 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.

⁷⁴ See LLC Agreement Sections 2.1, 2.2, 2.4, 2.5, 2.6, 2.7, 3.1, 4.2, 4.5, 4.6, 4.7, 4.8, 4.9, 4.11, 5.1, 5.2, 5.3, 5.4, 5.6, 5.7, 6.3, 6.4, 6.5, 7.5, 7.6, 7.7, 8.3, 9.2, 9.3, 9.4, 9.5, 9.6, 9.7, 9.8, 10.3, 10.4, 11.2, 11.3, 11.4, 11.5, 11.6, 12, 13.1, 14, 16.2, 17, 18.2, 18.3, 18.4, 18.5, 18.7, 18.9, 18.10, 18.11, and 18.12.

⁷⁵ 15 U.S.C. 78f(b)(1).

⁷⁶ 15 U.S.C. 78f(b).

⁷⁷ 15 U.S.C. 78f(b)(5).

⁷⁸ 15 U.S.C. 78f(b)(5).

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 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 has neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-BOX-2021-14 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-BOX-2021-14. 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-BOX-2021-14 and should be submitted on or before July 15, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁷⁹

J. Matthew DeLesDernier,
Assistant Secretary.

[FR Doc. 2021-13246 Filed 6-23-21; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-92213; File No. SR-NSCC-2021-002]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing of Partial Amendment No. 1 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Partial Amendment No. 1, To Amend the Supplemental Liquidity Deposit Requirements

June 21, 2021.

I. Introduction

On March 5, 2021, National Securities Clearing Corporation ("NSCC") filed with the Securities and Exchange Commission ("Commission") proposed rule change SR-NSCC-2021-002 pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder² to amend its supplemental liquidity

⁷⁹ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

deposit requirements.³ The proposed rule change was published for comment in the **Federal Register** on March 24, 2021,⁴ and the Commission has received comments in support of the changes proposed therein.⁵ On May 7, 2021, pursuant to Section 19(b)(2) of the Act,⁶ the Commission designated a longer period within which to approve, disapprove, or institute proceedings to determine whether to approve or disapprove the proposed rule change.⁷ On June 17, 2021, NSCC filed Partial Amendment No. 1 to the proposed rule change, which provided additional description of the proposed rule change and did not change the substance of the proposed rule change, as discussed in more detail in Section II.D below. The Commission is publishing this notice to solicit comments on Partial Amendment No. 1 from interested persons and, for the reasons discussed below, is approving the proposed rule change, as modified by Partial Amendment No. 1 (hereinafter, “Proposed Rule Change”), on an accelerated basis.

II. Description of the Proposed Rule Change

A. Background

As a central counterparty (“CCP”),⁸ NSCC occupies an important role in the securities settlement system by interposing itself between counterparties to financial transactions, becoming the buyer to each seller and seller to each buyer to ensure the performance of the contract, thereby reducing the risk faced by its Members⁹ and contributing to global financial stability. NSCC’s liquidity risk

management plays an integral part in NSCC’s ability to perform its role as a CCP. If a Member defaults, NSCC, as a CCP, would need to complete settlement of guaranteed transactions on the failing Member’s behalf from the date of default through the remainder of the settlement cycle (currently two days for securities that settle on a regular way basis in the U.S. markets). To do so, and to meet its related regulatory requirements, NSCC seeks to maintain sufficient liquid resources in order to meet the potential funding required to settle outstanding transactions of a defaulting Member in a timely manner, as well as to hold qualifying liquid resources sufficient to meet its minimum liquidity resource requirement in each relevant currency for which it has payment obligations owed to its Members.¹⁰

NSCC has a number of default liquidity resources that it considers to be qualifying liquid resources for the purposes of Rule 17Ad–22(a)(14).¹¹ These resources include: (1) Cash deposits to the NSCC Clearing Fund;¹² (2) the proceeds of the issuance and private placement of (a) short-term, unsecured notes in the form of commercial paper and extendable notes (“Commercial Paper Program”),¹³ and (b) term debt (“Term Debt Issuance”);¹⁴ (3) cash that would be obtained by drawing on NSCC’s committed 364-day credit facility with a consortium of banks (“Line of Credit”);¹⁵ and (4) supplemental liquidity deposits, collected pursuant to NSCC Rule 4(A), as discussed further below.¹⁶

B. Current Rules Relating to Supplemental Liquidity Deposits

Currently, NSCC only collects supplemental liquidity deposits during monthly options expiry periods in order to cover the heightened liquidity exposure resulting from increased trading activity around options expiration.¹⁷ NSCC only collects supplemental liquidity deposits from its 30 largest Members or group of affiliated Members (hereinafter, “Providers”).¹⁸ NSCC calculates each Provider’s supplemental liquidity obligation for an upcoming options expiry period using an estimate based on NSCC’s highest liquidity need and the Provider’s settlement activity during the prior 24-months.¹⁹ Providers, in turn, must fund their supplemental liquidity obligations two business days prior to the start of the options expiry period, which NSCC will return seven business days after the end of that period.²⁰

In order to ensure NSCC maintains adequate liquidity resources throughout the options expiry period, Providers may voluntarily prefund additional supplemental liquidity deposits at the start of the period, if it anticipates increases in its trading activity, compared to its historical activity, will create a liquidity shortfall at NSCC.²¹ In the event a Provider fails to provide adequate voluntary prefunded deposits, NSCC may require the Provider to fund additional supplemental liquidity deposits if NSCC experiences a resulting liquidity shortfall,²² which NSCC may hold for up to 90 days.²³ The 90-day lock-up incentivizes Providers to voluntarily prefund their supplemental liquidity deposits in order to ensure NSCC maintains adequate liquidity resources throughout the options expiry period.

(December 5, 2013), 78 FR 75400 (December 11, 2013) (File No. SR–NSCC–2013–802).

¹⁷ See Rule 4(A), *supra* note 9. NSCC defines the duration of the options expiry periods in its Rules, which typically runs from the third Friday of the month to the following Tuesday. *See id.*

¹⁸ See Section 2 of Rule 4(A), *supra* note 9. NSCC may use a Provider’s supplemental liquidity deposit to satisfy a loss or liability arising only from that Provider’s default on its obligations to NSCC. Supplemental liquidity deposits are not otherwise subject to NSCC’s Loss Allocation Waterfall. *See* Section 13(c) of Rule 4(A), *supra* note 9.

¹⁹ See Section 2 of Rule 4(A), *supra* note 9. Typically, NSCC performs this calculation, at the latest, one week prior to the start of the options expiry period.

²⁰ See Sections 4 and 9 of Rule 4(A), *supra* note 9.

²¹ See Section 2 of Rule 4(A), *supra* note 9. *See also*, Notice of Filing, *supra* note 4, at 15739.

²² See Section 7 of Rule 4(A), *supra* note 9.

²³ See Section 10 of Rule 4(A), *supra* note 9.

³ See Notice of Filing, *infra* note 4, at 86 FR 15738. On March 5, 2021, NSCC also filed the proposals contained in the proposed rule change as advance notice SR–NSCC–2021–801 (the “Advance Notice”) with the Commission pursuant to Section 806(e)(1) of the Dodd-Frank Wall Street Reform and Consumer Protection Act entitled the Payment, Clearing, and Settlement Supervision Act of 2010 (“Clearing Supervision Act”), 12 U.S.C. 5465(e)(1), and Rule 19b–4(n)(1)(i) of the Act, 17 CFR 240.19b–4(n)(1)(i). Notice of filing of the Advance Notice was published in the **Federal Register** on March 24, 2021. Securities Exchange Act Release No. 91347 (March 18, 2021), 86 FR 15750 (March 24, 2021) (File No. SR–NSCC–2021–801).

⁴ Securities Exchange Act Release No. 91350 (March 18, 2021), 86 FR 15738 (March 24, 2021) (File No. SR–NSCC–2021–002) (“Notice of Filing”).

⁵ Comments are available at <https://www.sec.gov/comments/sr-nsc-2021-002/srnsc2021002.htm>. To date, the comments received generally support the proposal.

⁶ 15 U.S.C. 78s(b)(2).

⁷ Securities Exchange Act Release No. 91788 (May 7, 2021), 86 FR 26112 (May 12, 2021) (File No. SR–NSCC–2021–002).

⁸ 17 CFR 240.17Ad–22(a)(1).

⁹ Capitalized terms not defined herein are defined in NSCC’s Rules and Procedures (“Rules”), available at http://dtcc.com/~media/Files/Downloads/legal/rules/nsc_rules.pdf.

¹⁰ See Securities Exchange Act Release No. 82377 (December 21, 2017), 82 FR 61617 (December 28, 2017) (File Nos. SR–DTC–2017–004; SR–FICC–2017–008; SR–NSCC–2017–005) (approving NSCC’s Liquidity Risk Management Framework).

¹¹ See Notice of Filing, *supra* note 4, at 15738–39. Qualifying liquid resources include, among other things: Cash held either at the central bank of issue or at creditworthy commercial banks, and assets that are readily available and convertible into cash through prearranged funding arrangements, such as committed arrangements without material adverse change provisions, including lines of credit, foreign exchange swaps, and repurchase agreements. 17 CFR 240.17Ad–22(a)(14).

¹² See Rule 4 (Clearing Fund) and Procedure XV (Clearing Fund Formula and Other Matters) of the Rules, *supra* note 9.

¹³ See Securities Exchange Act Release Nos. 75730 (August 19, 2015), 80 FR 51638 (August 25, 2015) (File No. SR–NSCC–2015–802); 82676 (February 9, 2018), 83 FR 6912 (February 15, 2018) (File No. SR–NSCC–2017–807).

¹⁴ See Securities Exchange Act Release No. 88146 (February 7, 2020), 85 FR 8046 (February 12, 2020) (File No. SR–NSCC–2019–802).

¹⁵ See Securities Exchange Act Release No. 80605 (May 5, 2017), 82 FR 21850 (May 10, 2017) (File Nos. SR–DTC–2017–802; SR–NSCC–2017–802).

¹⁶ See Rule 4(A) (Supplemental Liquidity Deposits) of the Rules, *supra* note 9. *See also* Securities Exchange Act Release Nos. 70999 (December 5, 2013), 78 FR 75413 (December 11, 2013) (File No. SR–NSCC–2013–02); 71000

C. Proposed Changes to the Rules Relating to Supplemental Liquidity Deposits

As discussed above, NSCC may only collect supplemental liquidity deposits during monthly options expiry periods under its current Rules.²⁴ However, NSCC can face sudden liquidity shortfalls on any business day, not just those business days that fall within monthly options expiry periods, particularly during volatile market conditions unrelated to options expiration.²⁵ To address this issue, NSCC proposes to change the frequency at which it may collect supplemental liquidity deposits to each business day, based on a daily calculation. This proposed approach to collecting supplemental liquidity deposits should allow NSCC to respond quickly to any sudden liquidity shortfalls arising from a Provider's activity, regardless of when those shortfalls occur.

NSCC also proposes the ability to collect supplemental liquidity deposits on an intraday basis in certain instances where sudden intraday increases in liquidity risk justify shortening the amount of time NSCC is exposed to that risk, including a mandatory intraday collection in connection with monthly options expiry periods. Moreover, NSCC proposes to eliminate the up to 90 day lock-up period of certain supplemental liquidity deposits. Additionally, NSCC proposes an alternative pro rata daily calculation in the rare event its regular daily calculation would inadvertently result in collecting supplemental liquidity deposits from multiple Providers that, taken together, would significantly exceed NSCC's liquidity needs on that day.

1. Proposed Daily Calculation of Supplemental Liquidity Deposits

A Provider²⁶ will be obligated to provide a supplemental liquidity deposit on each business day in which its settlement activity causes a liquidity

²⁴ The description that follows is excerpted from the Notice of Filing, *supra* note 4.

²⁵ See Notice of Filing, *supra* note 4, at 15740.

²⁶ Under the proposal, Providers will continue to be the 30 largest Members or group of affiliated Members, but NSCC proposes to simplify how it determines the 30 Providers in order to provide greater transparency and predictability in its determination. The 30 Providers will be determined daily and will be based on the Provider's settlement activity during the prior 24-months. NSCC's determination will no longer require a calculation of liquidity exposures the Providers presented to NSCC based on NSCC's qualifying liquid resources throughout a 24 month lookback period. NSCC will continue to make available to each Member daily information on NSCC's liquidity need based on that Member's settlement activity on the previous business day.

shortfall at NSCC.²⁷ NSCC will provide a notice to each Provider of the amount of its supplemental liquidity deposit, which the Provider will be required to fund within one hour of such notice.²⁸ NSCC proposes to return supplemental liquidity deposits on the next business day,²⁹ except in certain circumstances as described in greater detail in Section II.C.4. below.

NSCC states that, under its proposed calculation, it will no longer need to estimate its liquidity need for a Provider's expected settlement activity based on the Provider's historical settlement activity.³⁰ Instead, each Provider's deposit will be calculated based on NSCC's actual liquidity need based on the Provider's daily settlement activity in the event the Provider defaulted on that day, which NSCC believes will provide both NSCC and Providers with a more reliable measure of the liquidity risks posed to NSCC.³¹

NSCC provided the Commission with the results of an impact study comparing the proposal against the observed regulatory liquidity needs and NSCC's qualifying liquid resources available during the period from 2016 through 2020. The study assessed both pro-forma and hypothetical impacts of the proposal under various liquidity scenarios. The study also analyzed historical trends including the average composition and rankings of the top 30 Providers at NSCC during the 2016 to 2020 period. Based on the pro-forma/hypothetical impact as well analysis of the top Providers, the study's results generally indicate that the proposal would continue to allow NSCC to meet its regulatory liquidity obligations, and the largest Members would continue to

²⁷ A liquidity shortfall will arise if NSCC's daily liquidity need exceeds its qualifying liquid resources, assuming stressed market conditions. NSCC will continue to apply stress scenarios in determining its total qualifying liquid resources in order to anticipate market conditions that could cause those resources to be unavailable on that day. Because the daily calculation will be done at the start of each business day, it will be based on the qualifying liquid resources available to NSCC as of the end of the prior business day.

²⁸ NSCC's proposed timing would mirror the current requirement that is applied to its Members' Required Fund Deposits (*i.e.*, margin), which is also calculated and collected daily, and must be funded within one hour of demand. NSCC expects to deliver notification of Provider obligations by around 8:30 a.m. ET each business day, with deposits required by no later than 9:30 a.m. ET. See Notice of Filing, *supra* note 4, at 15741.

²⁹ Because NSCC would recalculate supplemental liquidity deposits daily, NSCC will no longer need to hold deposits for the extended periods under its current Rules. See Notice of Filing, *supra* note 4, at 15742.

³⁰ See Notice of Filing, *supra* note 4, at 15740.

³¹ See *id.* at 15740–41.

be the ones affected by supplemental liquidity obligations.³²

2. Proposed Intraday Supplemental Liquidity Calls

NSCC also proposes to establish intraday supplemental liquidity calls, which are intended to allow NSCC to calculate and collect additional supplemental liquidity deposits on an intraday basis if a Provider's increased daily activity levels or projected settlement activity causes a NSCC liquidity shortfall during a given day.³³ NSCC believes the proposed intraday supplemental liquidity calls will help to mitigate increased liquidity exposures presented to NSCC on an intraday basis in specified circumstances, as discussed further below.³⁴

i. Proposed Mandatory Intraday Supplemental Liquidity Call During Options Expiry Periods

First, NSCC proposes to establish a mandatory monthly intraday supplemental liquidity call that is calculated and collected, when applicable, on the first business day (typically a Friday) of an options expiry period.³⁵ A Provider's mandatory intraday supplemental liquidity call will be the difference between, on the one hand, NSCC's qualifying liquid resources and, on the other hand, NSCC's daily liquidity need based on the Provider's settlement activity at the start of the business day, recalculated to account for both the Provider's actual settlement activity submitted to NSCC over the course of the day, and the Provider's projected settlement activity in stock options expected to be submitted to NSCC.³⁶ Because NSCC's recalculated daily liquidity need will not factor in late day trades or other off-

³² See *id.* at 15744. NSCC further states that if its other qualifying liquid resources materially decrease, it would expect to see an increase in both number and amount of supplemental liquidity obligations that Providers would have been required to fund under the proposed rule. See *id.* at 15744.

³³ The alternative pro rata calculation described in Section II.C.3 below would not apply to an intraday supplemental liquidity call.

³⁴ See Notice of Filing, *supra* note 4, at 15741.

³⁵ NSCC will retain how it defines the duration of the options expiry periods in its Rules. See *supra* note 17.

³⁶ Each business day, NSCC receives information regarding projected settlement activity from The Options Clearing Corporation ("OCC") pursuant to a Stock and Futures Settlement Agreement. That agreement provides for the clearance and settlement of exercises and assignments of options on eligible securities or the maturity of eligible stock futures contracts through NSCC. See Securities Exchange Act Release No. 81260 (July 31, 2017), 82 FR 36484 (August 4, 2017) (File Nos. SR–NSCC–2017–803; SR–OCC–2017–804). In this case, the recalculation will be based on the data NSCC receives from OCC late Thursday.

setting settlement activity,³⁷ NSCC proposes to adjust its recalculated daily liquidity need using an estimated netting percentage based on each Provider's average percentage of netting from its off-setting settlement activity observed over the prior 24 months. NSCC states that the actual settlement activity flowing into NSCC for cash settlement of stocks underlying expiring options is typically lower than the projected settlement activity NSCC receives from OCC on the Thursday before the start of the options expiry period due to late day offsetting trades in stock options on that Friday; therefore, applying this netting percentage should more accurately reflect the actual liquidity exposures that will be presented to NSCC from the Providers.³⁸

Moreover, NSCC proposes to eliminate the up to 90 day lock-up period of certain supplemental liquidity deposits. NSCC will no longer need to hold these deposits for longer periods because NSCC proposes to use the daily calculation and collection of supplemental liquidity deposits to help ensure NSCC maintains adequate liquidity resources each day, including throughout options expiry periods.³⁹

ii. Proposed Discretionary Intraday Supplemental Liquidity Call Other Than During Options Expiry Periods

Second, NSCC proposes to establish a discretionary intraday supplemental liquidity call on any business day other than the first business day during options expiry periods. Under this provision, NSCC will have the discretion to call for additional supplemental liquidity deposits on an intraday basis on any such business day if a Provider's increased activity levels during that day would cause a liquidity shortfall at NSCC. The amount of a Provider's intraday supplemental liquidity call, pursuant to NSCC's discretion, would be the difference between NSCC's daily liquidity need, recalculated to take into account the increase in the Provider's settlement activity during the day, and NSCC's qualifying liquid resources.

NSCC states that it would collect a discretionary intraday call in circumstances where NSCC believes it should accelerate the collection of a

Provider's supplemental liquidity obligation because that Provider's intraday settlement activity would cause NSCC's liquidity needs to exceed its liquidity resources.⁴⁰ For example, NSCC may impose an intraday supplemental liquidity call on a Provider if NSCC determines that Provider is unlikely to meet its projected settlement obligations through the settlement cycle due to rapidly escalating financial stress.⁴¹ NSCC will make this determination based on a variety of factors, including NSCC's assessment of the Provider's ability to meet its obligations to NSCC (*i.e.*, an assessment of the Provider's creditworthiness on a particular business day) or estimates of settlement activity that could offset settlement exposures and are not reflected in NSCC's liquidity estimates.⁴²

3. Proposed Pro Rata Calculation of Supplemental Liquidity Deposits

As a potential alternative to the calculation described above, NSCC proposes a discretionary pro rata calculation that could apply in the event two or more Providers each would be obligated to provide a supplemental liquidity deposit of more than \$2 billion on a business day pursuant to the calculation described above.⁴³ Under the proposed alternative, NSCC will have the option to allocate, on a pro rata basis, its largest liquidity need on a business day to all Providers that are required to make a supplemental liquidity deposit on that day, thereby reducing all such Providers' obligations to NSCC on that day. NSCC's determination will be based on the market conditions at that time. For example, NSCC may determine that, in certain market conditions, this alternative approach would be appropriate to alleviate liquidity pressures on all Providers required to make a supplemental liquidity deposit on that day.⁴⁴ NSCC states this alternative would allow NSCC to use this pro rata calculation to sufficiently cover its liquidity exposure on that day, without requiring that all Providers fund the total amount of its calculated

supplemental liquidity deposit on that day.

4. Proposed Clarifying Changes to the Treatment of Supplemental Liquidity Deposits

As described in Section II.C.1 above, NSCC proposes to return supplemental liquidity deposits, including any amount funded pursuant to an intraday supplemental liquidity call, on the next business day. However, NSCC proposes to clarify that, consistent with its current Rules regarding excess Clearing Fund deposits, it will have the right to withhold all or any part of any Member's excess Clearing Fund deposits, including supplemental liquidity deposits, if that Member has been placed on the Watch List pursuant to the Rules or if NSCC determines that the Member's anticipated activities in the near future may reasonably be expected to be materially different than its activities of the recent past.⁴⁵ NSCC states that, while the proposed provision would not change NSCC's rights with respect to these funds, it would provide Members with greater transparency into how supplemental liquidity deposits will be treated under Rule 4.⁴⁶

NSCC further proposes that it will hold a retired Provider's supplemental liquidity deposits for 30 calendar days after any of the Provider's open transactions have settled and obligations have been satisfied,⁴⁷ rather than return such deposits on the next business day. NSCC states that the proposed provision will help protect NSCC from liquidity risks presented by open transactions in the days following a firm's retirement and would align the treatment of these funds with the treatment of a retired Member's Required Fund Deposits.⁴⁸

Additionally, NSCC proposes to simplify and clarify NSCC's right to debit Providers' accounts at NSCC if a Provider fails to meet its supplemental liquidity obligations, and NSCC's obligation to make available to Providers the amount of the Daily Liquidity Need that NSCC would have had in the event the Provider defaulted on the previous business day. NSCC states that, while the proposed miscellaneous changes will not significantly alter the structure of these provisions, they will provide transparency to Providers regarding

³⁷ See Notice of Filing, *supra* note 4, at 15741. For example, an affiliated Member may be entitled, under NSCC Rules, to liquidity credits based the trading activity of its affiliates, who are also Members, in order to determine NSCC's net liquidity exposure from the affiliated family of Members.

³⁸ See Notice of Filing, *supra* note 4, at 15741.

³⁹ See *id.* at 15740.

⁴⁰ See *id.* at 15741–42.

⁴¹ See *id.* at 15742.

⁴² See *id.*

⁴³ NSCC represents that it has never had two or more Providers owe more than \$2 billion on a calculation date since its adoption of the supplemental liquidity deposit Rules in 2013. Therefore, NSCC believes this alternative calculation would only be available in very limited circumstances. See Notice of Filing, *supra* note 4, at 15741.

⁴⁴ See Notice of Filing, *supra* note 4, at 15741.

⁴⁵ See Section 9 of Rule 4, *supra* note 9. Proposed Section 12(a) of Rule 4(A) cross-references to Section 9 of Rule 4.

⁴⁶ See Notice of Filing, *supra* note 4, at 15742.

⁴⁷ See Section 7 of Rule 4, *supra* note 9. Proposed Section 10 of Rule 4(A) cross-references to Section 7 of Rule 4.

⁴⁸ See Notice of Filing, *supra* note 4, at 15742.

their rights and obligations under the Rules.⁴⁹

D. Partial Amendment No. 1

On June 17, 2021, NSCC filed Partial Amendment No. 1 to revise its disclosure, pursuant to Item 3(a) of Form 19b-4, relating to the purpose of the Proposed Rule Change by including the following language at the beginning of its Item 3(a) disclosure:

As described in greater detail below, NSCC adopted the SLD requirements in 2013 to establish supplemental liquidity deposits to the Clearing Fund designed to ensure that NSCC has adequate liquidity resources to meet its liquidity needs during monthly options expiry settlement periods when NSCC observes significant increases in its liquidity exposures. Since that time, NSCC has continued to strengthen its liquidity risk management by diversifying its sources of qualifying liquid resources. These efforts are aimed at, for example, managing the risk that any one of those sources is reduced.

In connection with these ongoing efforts, NSCC is proposing changes to the SLD requirements. As described in greater detail in this filing, the proposed changes include:

(1) Calculating and collecting, when applicable, SLD on each Business Day, rather than only during the monthly options settlement periods.

(2) calculating SLD based on observed Member activity, rather than based on historical and forecasted settlement activity.

(3) adopting an intraday SLD calculation and collection, when applicable, on the first Business Day of the monthly options settlement periods based on additional exposures that are presented by options activity submitted after the start of day.

(4) eliminating the 90-day holding period for certain SLD.

(5) adopting a discretionary, alternative pro rata calculation of Members' SLD requirements that would apply in certain circumstances and allow NSCC to allocate its largest liquidity need on a Business Day among Members that are required to pay SLD, rather than collect separate SLD from each of those Members.

In Partial Amendment No. 1, NSCC clarifies its disclosure describing the purpose of the proposal, pursuant to Item 3(a) of Form 19b-4. NSCC does not, however, make changes to the proposal itself, including the proposed text of the Rules that was provided as Exhibit 5 to the Proposed Rule Change. Therefore, Partial Amendment No. 1, NSCC does not alter the manner in which the Proposed Rule Change would nor does it alter the manner in which the Proposed Rule Change will affect its Members or other interested persons.

III. Discussion and Commission Findings

Section 19(b)(2)(C) of the Act⁵⁰ directs the Commission to approve a proposed rule change of a self-regulatory organization if it finds that such proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to such organization. After careful consideration, the Commission finds that the Proposed Rule Change is consistent with the requirements of the Act and the rules and regulations applicable to NSCC. In particular, the Commission finds that the Proposed Rule Change is consistent with Section 17A(b)(3)(F)⁵¹ of the Act and Rule 17Ad-22(e)(7)⁵² thereunder.

A. Consistency With Section 17A(b)(3)(F) of the Act

Section 17A(b)(3)(F)⁵³ of the Act requires, in part, that the rules of a clearing agency, such as NSCC, be designed to, among other things, promote the prompt and accurate clearance and settlement of securities transactions and assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible. The Commission finds that the Proposed Rule Change is consistent with Section 17A(b)(3)(F) of the Act for the reasons stated below.

As described above in Section II.B, NSCC can face sudden liquidity shortfalls on any business day, particularly during volatile market conditions, which can be unrelated to options expiration. As a CCP, it is imperative that NSCC maintains adequate resources to satisfy liquidity needs arising from its settlement obligations, including in the event of a Member default. However, NSCC currently may only collect supplemental liquidity deposits during monthly options expiry periods. As described above in Section II.C.1, the Proposed Rule Change is designed to allow NSCC to respond quickly to sudden liquidity shortfalls that may arise, regardless of timing, by collecting supplemental liquidity deposits based on a daily calculation, instead of being limited to only the monthly options expiration period. The ability to calculate and collect supplemental liquidity deposits, as applicable, on a daily basis should help NSCC more accurately manage its daily liquidity exposures based on Members' actual activity. Moreover, the

proposal would allow NSCC to determine the amount of supplemental liquidity deposits based on Members' actual activity, providing more precise and, potentially, lower charges for Members than provided under the current methodology, which uses estimates based on a look-back period and can, on occasion, result in NSCC collecting more resources than needed to cover its exposure.

Further, as described above in Section II.C.3, the proposal will provide NSCC with additional flexibility over the timing and amount of collections. First, establishing the mandatory intraday supplemental liquidity calls on the first business day of the monthly options expiry periods should help NSCC continue to manage the potential increased liquidity exposures that may arise from options settlement-related activity by allowing it to accelerate the collection of supplemental liquidity deposits on that day, as opposed to waiting for the proposed daily collection that would occur on the morning of the following business day. Second, the proposed discretionary intraday supplemental liquidity calls should collect additional supplemental liquidity deposits from Members whose activity outside of the monthly options expiry periods may cause a sudden increase in NSCC's liquidity needs on an overnight basis. Moreover, as described above in Section II.C.3, the proposed alternative pro rata calculation that NSCC may apply in certain circumstances will provide NSCC the flexibility to determine the total amount collected on a business day, while continuing to collect sufficient liquidity to complete end-of-day settlement in the event the Provider with the largest payment obligation defaults.

Additionally, as described above in Section II.C.4, the proposed clarifying changes would make the rights and obligations of both NSCC and its Members under the Rules more transparent and easier to understand. A clearer rule supports the ability of Members to meet their supplemental liquidity deposit requirements and understand how NSCC will treat such deposits, and the liquidity provided to NSCC through supplemental liquidity deposits would allow it to complete end-of-day settlement in the event the Provider with the largest payment obligation defaults.

For the reasons stated above, the Commission finds the Proposed Rule Change is designed to allow NSCC to address potential sudden liquidity exposures that may arise on a daily basis. The daily calculation and collection of supplemental liquidity

⁵⁰ 15 U.S.C. 78s(b)(2)(C).

⁵¹ 15 U.S.C. 78q-1(b)(3)(F).

⁵² 17 CFR 240.17Ad-22(e)(7)(i) and (ii).

⁵³ 15 U.S.C. 78q-1(b)(3)(F).

⁴⁹ See *id.*

deposits should allow NSCC to effectively cover those liquidity exposures and, should help NSCC ensure it can complete settlement for all its Members in the event one Member defaults, which the Commission believes should promote the prompt and accurate clearance and settlement of securities transactions. Moreover, the Commission believes that enhancing NSCC's ability to complete settlement in the event of a Member default should help avoid the potential for loss mutualization among the non-defaulting members and potential impacts on the broader financial system, which is consistent with assuring the safeguarding of securities and funds which are in its custody or control. Accordingly, the Commission finds the changes proposed in the Proposed Rule Change are consistent with Section 17A(b)(3)(F) of the Act.⁵⁴

B. Consistency With Rule 17Ad-22(e)(7)(i) and (ii)

The Commission finds the changes proposed in the Proposed Rule Change are consistent with Rules 17Ad-22(e)(7)(i) and (ii), each promulgated under the Act,⁵⁵ for the reasons described below.

Rule 17Ad-22(e)(7)(i) under the Act requires that a covered clearing agency establish, implement, maintain and enforce written policies and procedures reasonably designed to maintain sufficient liquid resources at the minimum in all relevant currencies to effect same-day and, where appropriate, intraday and multiday settlement of payment obligations with a high degree of confidence under a wide range of foreseeable stress scenarios that includes, but is not limited to, the default of the participant family that would generate the largest aggregate payment obligation for the covered clearing agency in extreme but plausible market conditions.⁵⁶ Rule 17Ad-22(e)(7)(ii) under the Act requires that a cover clearing agency establish, implement, maintain and enforce written policies and procedures reasonably designed to hold qualifying liquid resources sufficient to meet the minimum liquidity resource requirement under Rule 17Ad-22(e)(7)(i) in each relevant currency for which the covered clearing agency has payment obligations owed to its clearing members.⁵⁷

As described above in Sections II.C.1 and 2, the Proposed Rule Change would help strengthen NSCC's ability to maintain sufficient liquid resources to complete end-of-day settlement in the event of the Member default by allowing NSCC to calculate and collect, when applicable, supplemental liquidity deposits every business day, or on an intraday basis, from those Members that pose the largest liquidity exposures to NSCC on that day. These resources would be available to NSCC to complete end-of-day settlement in the event of the default of a Member. Moreover, the Commission has reviewed and considered the impact study results provided by NSCC comparing the proposal against the observed regulatory liquidity needs and NSCC's qualifying liquid resources available during the period from 2016 through 2020, to assess both pro-forma and hypothetical impacts of the proposal under various liquidity scenarios,⁵⁸ and finds that these results generally indicated that the proposal would continue allow NSCC to meet its regulatory liquidity obligations.

In addition, deposits made to satisfy supplemental liquidity deposit obligations are currently and will continue to be required to be made as cash deposits, which will continue to be held by NSCC at either its cash deposit account at the Federal Reserve Bank of New York, at a creditworthy commercial bank, or in other investments pursuant to NSCC's Clearing Agency Investment Policy.⁵⁹ Therefore, supplemental liquidity deposits would continue to be considered a qualifying liquid resource, as defined by Rule 17Ad-22(a)(14),⁶⁰ and would support NSCC's ability to hold qualifying liquid resources sufficient to meet the minimum liquidity resource requirement under Rule 17Ad-22(e)(7)(i),⁶¹ as required by Rule 17Ad-22(e)(7)(ii).⁶²

Accordingly, the Commission finds that implementation of the proposed amendments to NSCC's supplemental liquidity deposit requirements would be consistent with Rule 17Ad-22(e)(7)(i) and (ii) under the Act.⁶³

bank of issue or at creditworthy commercial banks.
17 CFR 240.17Ad-22(a)(14).

⁵⁸ See *supra* note 32 and accompanying text.

⁵⁹ See Securities Exchange Act Release Nos. 79528 (December 12, 2016), 81 FR 91232 (December 16, 2016) (File Nos. SR-DTC-2016-007, SR-FICC-2016-005, SR-NSCC-2016-003); 84949 (December 21, 2018), 83 FR 67779 (December 31, 2018) (File Nos. SR-DTC-2018-012, SR-FICC-2018-014, SR-NSCC-2018-013).

⁶⁰ 17 CFR 240.17Ad-22(a)(14).

⁶¹ 17 CFR 240.17Ad-22(e)(7)(i).

⁶² 17 CFR 240.17Ad-22(e)(7)(ii).

⁶³ 17 CFR 240.17Ad-22(e)(7).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as modified by Partial Amendment No. 1, 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-NSCC-2021-002 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

All submissions should refer to File Number SR-NSCC-2021-002. 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 NSCC and on DTCC's website (<http://dtcc.com/legal/sec-rule-filings.aspx>). 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-NSCC-2021-002 and should be submitted on or before July 15, 2021.

⁵⁴ 15 U.S.C. 78q-1(b)(3)(F).

⁵⁵ 17 CFR 240.17Ad-22(e)(7)(i) and (ii).

⁵⁶ 17 CFR 240.17Ad-22(e)(7)(i).

⁵⁷ 17 CFR 240.17Ad-22(e)(7)(ii). For purposes of Rule 17Ad-22(e)(7)(ii), "qualifying liquid resources" are defined in Rule 17Ad-22(a)(14) as including, in part, cash held either at the central

V. Accelerated Approval of the Proposed Rule Change, as Modified by Partial Amendment No. 1

The Commission finds good cause, pursuant to Section 19(b)(2) of the Act,⁶⁴ to approve the proposed rule change prior to the 30th day after the date of publication of Partial Amendment No. 1 in the **Federal Register**. As discussed in Section II.D above, in Partial Amendment No. 1, NSCC amends its Form 19b-4, Item 3(a) disclosure to provide additional description of the purpose of the Proposed Rule Change, and Partial Amendment No. 1 does change the substance of the proposal, the proposed text of the Rules that was provided as Exhibit 5 to the Proposed Rule Change, the manner in which the Proposed Rule Change will operate, or the manner in which the Proposed Rule Change will affect its Members or other interested persons.

Furthermore, as discussed in Section III.A above, the Commission believes that the Proposed Rule Change, as modified by Partial Amendment No. 1, should help NSCC ensure it can complete settlement for all its Members in the event one Member defaults, which the Commission believes should promote the prompt and accurate clearance and settlement of securities transactions, consistent with Section 17A(b)(3)(F).⁶⁵ Therefore, the Commission believes the nature of the changes in Partial Amendment No. 1 and NSCC's intended enhancements to its daily liquidity risk management warrants accelerated approval of the Proposed Rule Change. Accordingly, the Commission finds good cause for approving the Proposed Rule Change, as modified by Partial Amendment No. 1, on an accelerated basis, pursuant to Section 19(b)(2) of the Act.⁶⁶

VI. Conclusion

On the basis of the foregoing, the Commission finds that the Proposed Rule Change is consistent with the requirements of the Act and in particular with the requirements of Section 17A of the Act⁶⁷ and the rules and regulations promulgated thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act⁶⁸ that Proposed Rule Change, as modified by Partial Amendment No. 1, SR-NSCC-

2021-002, be, and hereby is, *Approved* on an accelerated basis.^{69 70}

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁷⁰

J. Matthew DeLesDernier,
Assistant Secretary.

[FR Doc. 2021-13413 Filed 6-23-21; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-92185; File No. SR-FICC-2021-003]

Self-Regulatory Organizations; Fixed Income Clearing Corporation; Notice of Designation of Longer Period for Commission Action on a Proposed Rule Change To Add the Sponsored GC Service and Make Other Changes

June 15, 2021.

On May 12, 2021, Fixed Income Clearing Corporation ("FICC") filed with the Securities and Exchange Commission ("Commission") proposed rule change SR-FICC-2021-003 ("Proposed Rule Change") pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder.² The Proposed Rule Change was published for comment in the **Federal Register** on June 1, 2021.³ The Commission has received no comment letters on the Proposed Rule Change.

Section 19(b)(2) of the Act⁴ provides that, within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its

⁶⁹ In approving the Proposed Rule Change, the Commission considered the proposals' impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

⁷⁰ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ Securities Exchange Act Release No. 92014 (May 25, 2021), 86 FR 29334 (June 1, 2021) (SR-FICC-2021-003) ("Notice"). FICC also filed the proposal contained in the Proposed Rule Change as advance notice SR-FICC-2021-801 ("Advance Notice") with the Commission pursuant to Section 806(e)(1) of the Dodd-Frank Wall Street Reform and Consumer Protection Act entitled the Payment, Clearing, and Settlement Supervision Act of 2010 ("Clearing Supervision Act"). 12 U.S.C. 5465(e)(1); 17 CFR 240.19b-4(n)(1)(i). Notice of filing of the Advance Notice was published for comment in the **Federal Register** on June 3, 2021. Securities Exchange Act Release No. 92019 (May 27, 2021), 86 FR 29834 (June 3, 2021) (SR-FICC-2021-801) ("Notice of Filing"). The proposal contained in the Proposed Rule Change and the Advance Notice shall not take effect until all regulatory actions required with respect to the proposal are completed.

⁴ 15 U.S.C. 78s(b)(2).

reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for the Proposed Rule Change is July 16, 2021.

The Commission is extending the 45-day period for Commission action on the Proposed Rule Change. The Commission finds that it is appropriate to designate a longer period within which to take action on the Proposed Rule Change so that it has sufficient time to consider and take action on the Proposed Rule Change.

Accordingly, pursuant to Section 19(b)(2) of the Act⁵ and for the reasons stated above, the Commission designates August 30, 2021, as the date by which the Commission should either approve or disapprove the Proposed Rule Change SR-FICC-2021-003.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁶

J. Matthew DeLesDernier,
Assistant Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-92180; File No. SR-NASDAQ-2021-044]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Equity 4, Rules 4702 and 4703 in Light of Planned Changes to the System

June 15, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on June 4, 2021, The Nasdaq Stock Market LLC ("Nasdaq" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II 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.

⁵ *Id.*

⁶ 17 CFR 200.30-3(a)(31).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

⁶⁴ 15 U.S.C. 78s(b)(2).

⁶⁵ 15 U.S.C. 78q-1(b)(3)(F).

⁶⁶ 15 U.S.C. 78s(b)(2).

⁶⁷ 15 U.S.C. 78q-1.

⁶⁸ 15 U.S.C. 78s(b)(2).

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Equity 4, Rules 4702 and 4703³ in light of planned changes to the System, as described further below.

The text of the proposed rule change is available on the Exchange's website at <https://listingcenter.nasdaq.com/rulebook/nasdaq/rules>, 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 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

Presently, the Exchange is making functional enhancements and improvements to specific Order Types⁴ and Order Attributes⁵ that are currently only available via the RASH Order entry protocol.⁶ Specifically, the Exchange will be upgrading the logic and implementation of these Order Types and Order Attributes so that the features are more streamlined across the Nasdaq Systems and order entry protocols, and will enable the Exchange to process these Orders more quickly and efficiently. Additionally, this System

³References herein to Nasdaq Rules in the 4000 Series shall mean Rules in Nasdaq Equity 4.

⁴An "Order Type" is a standardized set of instructions associated with an Order that define how it will behave with respect to pricing, execution, and/or posting to the Nasdaq Book when submitted to Nasdaq. See Equity 1, Section 1(a)(7).

⁵An "Order Attribute" is a further set of variable instructions that may be associated with an Order to further define how it will behave with respect to pricing, execution, and/or posting to the Nasdaq Book when submitted to Nasdaq. See *id.*

⁶The RASH (Routing and Special Handling) Order entry protocol is a proprietary protocol that allows members to enter Orders, cancel existing Orders and receive executions. RASH allows participants to use advanced functionality, including discretion, random reserve, pegging and routing. See http://nasdaqtrader.com/content/technicalsupport/specifications/TradingProducts/rash_sb.pdf.

upgrade will pave the way for the Exchange to enhance the OUCH Order entry protocol⁷ so that Participants may enter such Order Types and Order Attributes via OUCH, in addition to the RASH Order entry protocols.⁸ The Exchange plans to implement its enhancement of the OUCH protocol sequentially, by Order Type and Order Attribute.⁹

To support and prepare for these upgrades and enhancements, the Exchange recently submitted two rule filings to the Commission that amended its rules pertaining to, among other things, Market Maker Peg Orders and Orders with Reserve Size.¹⁰ The Exchange now proposes to further amend its Rules governing Order Attributes, at Rule 4703. In particular, the Exchange proposes to adjust the current functionality of the Pegging¹¹ and Trade Now and Midpoint Trade Now Order Attributes,¹² as described below, so that they align with how the System, once upgraded, will handle these Order Attributes going forward. The Exchange also proposes to make several associated clarifications, corrections, and other changes to Rule 4702 as it prepares to enhance its order handling processes, including changes to Market on Open and Limit on Open Orders.

Changes to Pegging Order Attribute

First, the Exchange proposes to amend Rule 4703(d), which governs the

⁷The OUCH Order entry protocol is a Nasdaq proprietary protocol that allows subscribers to quickly enter orders into the System and receive executions. OUCH accepts limit Orders from members, and if there are matching Orders, they will execute. Non-matching Orders are added to the Limit Order Book, a database of available limit Orders, where they are matched in price-time priority. OUCH only provides a method for members to send Orders and receive status updates on those Orders. See <https://www.nasdaqtrader.com/Trader.aspx?id=OUCH>.

⁸The Exchange designed the OUCH protocol to enable members to enter Orders quickly into the System. As such, the Exchange developed OUCH with simplicity in mind, and it therefore lacks more complex order handling capabilities. By contrast, the Exchange specifically designed RASH to support advanced functionality, including discretion, random reserve, pegging and routing. Once the System upgrades occur, then the Exchange intends to propose further changes to its Rules to permit participants to utilize OUCH, in addition to RASH, to enter order types that require advanced functionality.

⁹The Exchange notes that its sister exchanges, Nasdaq BX and Nasdaq PSX, plan to file similar proposed rule changes with the Commission shortly.

¹⁰See Securities Exchange Act Release No. 34-90389 (November 10, 2020), 85 FR 73304 (November 17, 2020) (SR-NASDAQ-2020-071); Securities Exchange Act Release No. 34-91109 (February 11, 2021), 86 FR 10141 (February 18, 2021) (SR-NASDAQ-2020-090).

¹¹See Rule 4703(d).

¹²See Rule 4703(m)-(n).

Pegging Order Attribute. The Exchange offers three types of Pegging: Primary Pegging, Market Pegging, and Midpoint Pegging.¹³ The Rule presently provides that if, at the time of entry, there is no price to which a Pegged Order can be pegged, the Order will be rejected, provided, however, that a Displayed Order that has Market Pegging, or an Order with a Non-Display Attribute that has Primary Pegging or Market Pegging, will be accepted at its limit price. The Exchange proposes to replace this text by stating that if, at the time of entry, there is no price to which a Pegged Order, that has not been assigned a Routing Order Attribute, can be pegged or pegging would lead to a price at which the Order cannot be posted, then the Order will not be immediately available on the Nasdaq Book and will be entered once there is a permissible price.¹⁴ The Exchange proposes this change so as to enhance the manner in which the Exchange presently handles Pegged Orders in this scenario. Rather than reject such Orders outright, and require customers to continuously reenter the Orders thereafter until a pegging price emerges, which may cost them queue priority, the Exchange believes that it would be more efficient and customer-friendly to simply hold a Pegged Order until a permissible pegging price emerges.¹⁵

A similar rationale applies to the Exchange's proposal to cease accepting certain Market or Primary Pegged Orders at their limit prices if no pegging price is available. Because participants presumably prefer for their orders to

¹³See Rule 4703(d) (defining "Primary Pegging as pegging with reference to the inside quotation on the same side of the market, "Market Pegging" as pegging with reference to the inside quotation on the opposite side of the market, and "Midpoint Pegging" as pegging with reference to the midpoint between the inside bid and the inside offer).

¹⁴This change is applicable to Primary, Market and Midpoint Pegging Orders entered via RASH/QIX/FIX; OUCH/FLITE Midpoint Pegging behavior is not affected by this change. The Exchange also proposes to amend existing language in this provision which states that "if the Inside Bid and Inside Offer are crossed or if there is no Inside Bid and/or Inside Offer, the Order will not be accepted." The proposed amendment would specify that this language applies only to Orders with Midpoint Pegging entered through OUCH or FLITE. The proposed changes to pegged orders entered through RASH, QIX, or FIX will allow the Exchange to handle the Order more consistent with the customer intended instruction, and are necessary to facilitate forthcoming System enhancements.

¹⁵Meanwhile, the Exchange proposes to amend the Rule to state that if a Pegged Order is assigned a Routing Order Attribute, and a permissible pegging price is not available upon entry, then the Order will continue to be rejected. The Exchange proposes to retain existing practice for Pegged Orders with Routing Order Attributes because the Exchange is not yet prepared to make similar changes to such Orders, although it contemplates doing so in the near future.

post at the pegging price, the Exchange believes that participants would prefer for the Exchange to hold such orders until a permissible pegging price emerges, rather than post the orders at their limit prices.^{16 17}

The Exchange proposes similar changes to the paragraph of Rule 4703(d) that applies to Pegged Orders entered through RASH, QIX, or FIX that posted to the Nasdaq Book. The text presently provides that if the price to which an Order is pegged is not available, the Order will be rejected. The Exchange proposes instead to state that if the price to which an Order is pegged becomes unavailable or pegging would lead to a price at which the Order cannot be posted,¹⁸ then the Exchange will remove the Order from the Nasdaq Book and re-enter it once there is a permissible price. Again, the Exchange proposes this change to enhance and make the System more efficient by providing for the Exchange to re-post the Pegged Orders rather than rejecting them when there is no permissible pegging price and requiring participants to re-enter them once a valid price becomes available.¹⁹ The Exchange

¹⁶ When a Pegged Order lacks a pegging price or a permissible pegging price, the System will not wait indefinitely for a pegging price or a permissible pegging price to become available. Instead, the System will cancel the Order if no permissible pegging price becomes available within one second after Order entry or after the Order was removed due to the lack of a permissible pegging price and no longer available on the Book. The Exchange may, in the exercise of its discretion, modify the length of this maximum time period by posting advance notice of the applicable new time period on its website.

¹⁷ In this paragraph of Rule 4703(d), the Exchange again proposes to state that it will continue to reject a Pegged Order entered through RASH, QIX, or FIX when a permissible pegging price is unavailable, if the Pegged Order is assigned a Routing Order Attribute. The Exchange will continue to accept certain Market and Primary Pegged Orders at their limit price where they have Routing Order Attributes. The Exchange proposes to retain existing practice for Pegged Orders with Routing Order Attributes because the Exchange is not yet prepared to make similar changes to such Orders, although it contemplates doing so in the near future. See n. 15, *supra*.

¹⁸ An example of a scenario where pegging would lead to a price at which an Order cannot be posted is as follows. Assume that the NBBO is \$0.0002 × \$0.0003. A Primary Pegged Order to buy is entered with a passive offset amount of \$0.0003. This would result in the Order being made unavailable by the Exchange as −\$0.0001 is not a permissible price. Currently, the Exchange accepts such Orders at its limit price, and will post the Orders to the Nasdaq Book in accordance with the parameters that apply to the underlying Order Type.

¹⁹ The Exchange proposes to apply a similar time limitation to the holding period prescribed above. See *supra*, n.16. Similarly, for an Order with Midpoint Pegging, if the Inside Bid or Inside Offer become crossed, or there is no Inside Bid or Inside Offer, the System will cancel the Order if no permissible price becomes available within one second after the Order was removed and no longer

notes that the proposed change will not apply to Pegged Orders with Routing Attributes assigned to them; the existing Rule functionality will continue to apply to those Orders.

Rule 4703(d) also subjects Pegging Orders to collars, meaning that any portion of a Pegging Order that would²⁰ execute, either on the Exchange or when routed to another market center, at a price of more than \$0.25 or 5 percent worse than the NBBO at the time when the order reaches the System, whichever is greater, will be cancelled. Although the Rule states that it applies this collar to Orders with Primary and Market Pegging, the Exchange has always intended for the collar to also apply to Orders with Midpoint Pegging, and in practice, it does so. The failure of the Rule to reflect the application of the collar to Midpoint Pegged Orders was an unintended omission. The Exchange now proposes to revise Rule 4703(d) to correct this omission.

Changes to Trade Now and Midpoint Trade Now Order Attributes

Additionally, the Exchange proposes to amend its rules governing the Trade Now and Midpoint Trade Now Order Attributes, at Rule 4703(m) and (n), respectively. Pursuant to Rule 4703(m), Trade Now is an Order Attribute that allows a resting Order that becomes locked by an incoming Displayed Order to execute against a locking or crossing Order as a liquidity taker. Pursuant to Rule 4703(n), Midpoint Trade Now is an Order Attribute that allows: (i) A resting Order that becomes locked at its non-displayed price by an incoming Midpoint Peg Post-Only Order to execute against a locking or crossing Order as a liquidity taker; and (ii) a Non-Displayed Order with Midpoint Pegging or a Midpoint Peg Post-Only Order (collectively, “Midpoint Orders”) to execute against a M–ELO+CB Order Type, subject to certain eligibility requirements.

available on the Nasdaq Book (the Exchange may, in the exercise of its discretion modify the length of this one second time period by posting advance notice of the applicable time period on its website). For an Order with Midpoint Pegging with a Routing Attribute, the new one second time period will be applicable.

²⁰ Additionally, the Exchange proposes to replace the word “would” with “could” in this provision, so as to clarify that collars apply in circumstances in which Pegged Orders might execute, but do not necessarily do so. An example of a circumstance in which such Orders do not execute is as follows. Assume that the NBBO is \$10.00 × \$10.01. A Market Pegged Order to buy posts at \$10.01. The NBBO then updates to \$10.00 × \$11.00. Because re-pricing and posting the Market Pegged Order would result in the Order being available on the Book and executable at \$11.00 (outside of the collars), the Order will be canceled.

The Exchange proposes to combine Rule 4703(m) and (n) under the general header of “Trade Now.” The Exchange proposes to combine these two related Order Attributes to streamline and simplify the instructions that participants must enter to address the handling of their orders in various locking or crossing scenarios.²¹ Rather than having to enable both Trade Now and Midpoint Trade Now separately, participants will only have to enable one Order Attribute to address both functionalities.²² Additionally, rather than require a participant to manually send a Trade Now instruction whenever an Order entered through OUCH or FLITE becomes locked, the proposed amended Rule will allow for a participant to enable Trade Now functionality on a port-level basis for all Order entry protocols and for all Order Types that support Trade Now, as well as on an order-by-order basis, for the Non-Displayed Order Type, when entered through OUCH or FLITE.²³ For Orders entered through RASH or FIX, Trade Now will be available on an order-by-order basis for all Order Types that support Trade Now. The proposal will not extend Trade Now (or Midpoint Trade Now) functionality to new Order Types.²⁴

The Exchange proposes other non-substantive changes to Rule 4703(m) to incorporate the inclusion of the text of the Midpoint Trade Now Order Attribute, including a reorganization of its bulleted provisions. Furthermore, it

²¹ An example of a crossing scenario is as follows. A non-displayed Order to buy rests on the Book at \$0.0015. Thereafter, a Post Only Order to sell is entered at \$0.0014, which would post on the Book and display at \$0.0014, thereby crossing the non-displayed Order as the price improvement requirements were not met.

²² The Exchange believes that the proposal to combine the Trade Now and Midpoint Trade Now Order Attributes will not adversely impact participants because those that choose to utilize these Order Attributes are seeking opportunities to remove liquidity, and they are less fee sensitive in their choices. Participants will still be able to deactivate Trade Now on an order-by-order basis for RASH and FIX.

²³ This proposed change in functionality for OUCH and FLITE is enabled by the migration of Trade Now and Midpoint Trade Now to the Exchange’s matching System.

²⁴ The Exchange proposes to add language to Rule 4703(m) to state that Trade Now allows a resting Order that becomes locked “or crossed, as applicable” at its non-displayed price by the “posted price” of an incoming Displayed Order or a Midpoint Peg Post-Only Order to execute against a locking or crossing Order(s) automatically. The Exchange proposes to add the phrase “or crossed, as applicable,” for completeness. It also proposes to add the phrase “posted price” for purposes of clarity. It merely communicates that the incoming Displayed Order or Midpoint Peg Post-Only Order first posts to the Nasdaq Book, thereby locking or crossing the resting Order at its non-displayed price.

proposes to delete Rule 4703(n) in its entirety as well as references to Midpoint Trade Now in Rule 4702.

Changes to Market on Open and Limit on Open Order Types

Finally, the Exchange proposes to amend Rule 4702(b)(8) and (9), which describe the Market on Open (“MOO”) ²⁵ and Limit on Open (“LOO”) ²⁶ Order Types, to account for a change in functionality that will occur when the Exchange upgrades the logic and implementation for processing certain aspects of LOO and MOO Orders as part of the forthcoming System enhancements. When these Order Types are assigned Pegging Attributes and submitted just prior to the onset of the Nasdaq Opening Cross, the proposed changes will limit the circumstances in which the System will hold these Order Types until after the Nasdaq Opening Cross occurs. The Exchange proposes these changes to streamline the handling of LOO and MOO orders, thereby reducing the potential for confusion about the Exchange’s practice for holding these Order Types in these

²⁵ As set forth in Rule 4702(b)(8)(A), a MOO is an Order Type entered without a price that may be executed only during the Nasdaq Opening Cross. Subject to the qualifications provided below, MOO Orders may be entered between 4 a.m. ET and immediately prior to 9:28 a.m. ET. An MOO Order may be cancelled or modified until immediately prior to 9:25 a.m. ET. An MOO Order shall execute only at the price determined by the Nasdaq Opening Cross.

²⁶ As set forth in Rule 4702(b)(9)(A), a LOO is an Order Type entered with a price that may be executed only in the Nasdaq Opening Cross, and only if the price determined by the Nasdaq Opening Cross is equal to or better than the price at which the LOO Order was entered. Subject to the qualifications provided below, LOO Orders may be entered between 4 a.m. ET and immediately prior to 9:28 a.m. ET but may not be cancelled or modified at or after 9:25 a.m. ET. Between 9:28 a.m. ET and 9:29:30 a.m. ET, an LOO Order may be entered, provided that there is a First Opening Reference Price or a Second Opening Reference Price. An LOO Order entered after 9:29:30 a.m. ET that is designated as an IOC will be rejected. An LOO Order entered between 9:28 a.m. ET and 9:29:30 a.m. ET will be accepted at its limit price, unless its limit price is higher (lower) than the higher (lower) of the First Opening Reference Price and the Second Opening Reference Price for an LOO Order to buy (sell), in which case the LOO Order will be handled consistent with the Participant’s instruction that the LOO Order is to be: (1) Rejected; or (2) re-priced to the higher (lower) of the First Opening Reference Price and the Second Opening Reference Price, provided that if either the First Opening Reference Price or the Second Opening Reference Price is not at a permissible minimum increment, the First Opening Reference Price or the Second Opening Reference Price, as applicable, will be rounded (i) to the nearest permitted minimum increment (with midpoint prices being rounded up) if there is no imbalance, (ii) up if there is a buy imbalance, or (iii) down if there is a sell imbalance. The default configuration for Participants that do not specify otherwise will be to have such LOO Orders re-priced rather than rejected.

circumstances. Additionally, the proposed changes will allow these Order Types, where applicable, to participate and contribute to offsetting any order imbalance in the Nasdaq Opening Cross. The Exchange notes that only a very small number of LOO and MOO orders will be affected by these changes, such that the overall impact of the changes should be minor.

Specifically, Rule 4702(b)(8)(B) presently provides that a MOO with a Market Pegging Order Attribute and with a Time-in-Force other than Immediate-Or-Cancel that is flagged to participate in the Nasdaq Opening Cross and which is entered at or after 9:28 a.m. will not participate in the Opening Cross, but instead will be held and entered into the System after the Opening Cross completes. The Exchange proposes to amend this provision, such that, going forward, a MOO with a Market Pegging Order Attribute and with a Time-in-Force other than Immediate-Or-Cancel that is flagged to participate in the Nasdaq Opening Cross and which is entered at or after 9:28 a.m. will be rejected just as the Rule presently provides for all other MOOs that are entered at or after 9:28 a.m. (and prior to the Nasdaq Opening Cross). The rule text language, as amended, will specify, however, that the existing holding practice will continue to apply to Orders with Market Pegging and Routing Attributes and a Time-in-Force other than Immediate-Or-Cancel as the Exchange is not yet ready to implement a similar change to such Orders, although it contemplates doing so in a future proposal. The Exchange also notes that this clarification will provide for LOOs and MOOs with Routing Attributes to be handled similarly when entered just prior to the time of the Nasdaq Opening Cross.²⁷

Meanwhile, Rule 4702(b)(9)(B) presently provides that an Opening Cross/Market Hours LOO Order that is entered between 9:29:30 a.m. and the time of the Nasdaq Opening Cross will be: (i) Held and entered into the System after the completion of the Nasdaq Opening Cross if it has been assigned a Pegging or Routing Attribute, (ii) treated as an Opening Imbalance Only Order and entered into the System after the completion of the Nasdaq Opening Cross if entered through RASH, QIX, or FIX but not assigned a Pegging or Routing Attribute, or (iii) treated as an Opening Imbalance Only Order and cancelled after the Nasdaq Opening Cross if entered through OUCH or FLITE. The Exchange proposes to delete references to “Pegging Attribute” in this

²⁷ See Rule 4702(b)(9)(B).

provision, such that going forward, a LOO Order with Pegging (and no Routing Attribute) entered between 9:29:30 a.m. and the time of the Opening Cross will no longer be held and entered into the System after the completion of the Opening Cross. Instead, if the LOO with Pegging is entered through RASH, QIX, or FIX, it will be treated as an Opening Imbalance Only Order and entered into the System after the Opening Cross occurs, and if it is entered through OUCH or FLITE, it will be treated as an Opening Imbalance Only Order and cancelled after the Opening Cross.²⁸

The Exchange intends to implement the foregoing changes during the Third Quarter of 2021. The Exchange will issue an Equity Trader Alert at least 7 days in advance of implementing the changes.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,²⁹ in general, and furthers the objectives of Section 6(b)(5) of the Act,³⁰ in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

The Exchange believes that its proposed amendments to the Pegging Order Attribute, at Rule 4703(d), are consistent with the Act. The proposals to eliminate rule text that provides for the System to reject certain Pegged Orders that lack a permissible pegging price, or to post the Orders at their limit price, are consistent with the Act because they eliminate unwarranted inefficiencies that arise when participants must repeatedly re-enter rejected Pegged Orders until a permissible price becomes available.^{31 32}

²⁸ The Exchange notes that it plans future order handling enhancements that may further reduce or eliminate the circumstances in which it holds late submitted MOO and LOO Orders. The Exchange will submit rule filing proposals to the Commission before implementing such enhancements.

²⁹ 15 U.S.C. 78f(b).

³⁰ 15 U.S.C. 78f(b)(5).

³¹ The Exchange notes that as part of this proposed change, if there is no Pegging Price upon entry for a Displayed Order that has Market Pegging, or an Order with a Non-Display Attribute that has Primary Pegging or Market Pegging, then it will no longer accept such Orders at their limit price. The Exchange believes that this proposed change is consistent with the Act because it better aligns with customer intentions for Pegged Orders to post at a Pegging Price. That is, the Exchange believes that participants prefer for Pegged Orders to be entered at a Pegging Price, rather than its entered limit price, even if that means that the Order must wait for a Pegging Price to become

It is also consistent with the Act to maintain the existing practice in the Rule of rejecting a Pegged Order without a permissible pegging price where the Order has been assigned a Routing Attribute. The Exchange is not yet prepared to hold such Orders in the same way that it proposes to do so for Pegged Orders without Routing Attributes, although it contemplates doing so in the near future.

Moreover, the proposal to amend Rule 4703(d) to state expressly that Midpoint Pegging Orders are subject to price collars, like Orders with Primary and Market Pegging, will correct an unintended omission and ensure that the Rule is consistent with existing Exchange practice and with customer expectations. The application of these collars will prevent Pegged Orders from having prices that deviate too far away from where the security was trading when the Order was first entered.³³

The Exchange's proposals to amend its rules governing the Trade Now and Midpoint Trade Now Order Attributes, at Rule 4703(m) and (n), respectively, are consistent with the Act. The proposal to combine these two related Order Attributes will streamline and simplify the instructions that participants must enter to address the handling of their orders in various locking or crossing scenarios. Rather than having to enable both Trade Now and Midpoint Trade Now separately, participants will only have to enable one Order Attribute to address both functionalities. Additionally, rather than require a participant to manually send a Trade Now instruction whenever an Order entered through OUCH or FLITE becomes locked, the proposed amended Rule will allow for a participant to enable Trade Now

available. As discussed above, the Exchange does not propose this change for Pegged Orders with Routing Attributes.

³² It is also consistent with the Act to limit the time period for which the Exchange will hold, without canceling, Pegged Orders for which there is no pegging price or permissible pegging price because the Exchange does not believe that customers would want the Exchange to hold their orders indefinitely. Moreover, holding such orders indefinitely would encumber the Exchange's System. The Exchange believes that a one second holding period for such orders is long enough to provide the above-stated efficiencies for participants, but not too long as to encumber them. However, the Exchange believes that it is reasonable to reserve discretion to alter the holding period, from time to time, should it determine that doing so better meets the needs of customers or its System resources.

³³ Additionally, the Exchange believes that it is consistent with the Act to replace the word "would" with "could" in this provision, because doing so would clarify that collars apply in circumstances in which Pegged Orders might execute, but do not necessarily do so. *See supra*, n.20.

functionality on a port-level basis for all Order entry protocols and for all Order Types that support Trade Now, as well as on an order-by-order basis, for the Non-Displayed Order Type, when entered through OUCH and FLITE.³⁴ The proposal will also make conforming changes to Rule 4702 to delete references to Midpoint Trade Now, which is consistent with the Act because the changes will ensure that the Rules remain current and accurate.

Furthermore, it is consistent with the Act to add language to Rule 4703(m) to state that Trade Now allows a resting Order that becomes locked "or crossed, as applicable," at its non-displayed price by the "posted price" of an incoming Displayed Order or a Midpoint Peg Post-Only Order to execute against a locking or crossing Order(s) automatically. The Exchange proposes to add the phrase "or crossed, as applicable," for completeness. The Exchange also proposes to add the phrase "posted price" for purposes of clarity. It merely communicates that the incoming Displayed Order or Midpoint Peg Post-Only Order first posts to the Nasdaq Book, thereby locking or crossing the resting Order at its non-displayed price.

Finally, it is consistent with the Act to amend Rule 4702(b)(8) and (9) to limit the circumstances in which the Exchange will hold MOO and LOO Orders with Pegging Attributes that are submitted just prior to the Nasdaq Opening Cross. As discussed above, these changes will streamline the handling of such Orders, by rejecting them in the case of MOO Orders or allowing them to participate as Opening Imbalance Orders in the case of LOO Orders, thereby reducing the potential for confusion about the Exchange's practice for holding these Order Types in these circumstances. Again, the Exchange proposes to maintain its existing practice of holding Market Pegged MOO Orders with Routing Attributes and LOO Orders with Routing Attributes entered near the time of the Opening Cross because the Exchange is not yet prepared to handle such Orders similarly to how it proposes to handle such Orders without Routing Attributes, although it contemplates submitting a rule filing proposal to do so in the near future.

³⁴ As noted above, for Orders entered through RASH or FIX, Trade Now will be available on an order-by-order basis for all Order Types that support Trade Now.

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 not necessary or appropriate in furtherance of the purposes of the Act. As a general principle, the proposed changes are reflective of the significant competition among exchanges and non-exchange venues for order flow. In this regard, proposed changes that facilitate enhancements to the Exchange's System and order entry protocols as well as those that amend and clarify the Exchange's Rules regarding its Order Attributes, are pro-competitive because they bolster the efficiency, integrity, and overall attractiveness of the Exchange in an absolute sense and relative to its peers.

Moreover, none of the proposed changes will unduly burden intra-market competition among various Exchange participants. Participants will experience no competitive impact from its proposals to hold (up to one second), rather than reject (or accept at their limit price), Pegging Orders (other than those with Routing Attributes) in circumstances in which no permissible pegging price is available, as these proposals will merely eliminate unwarranted inefficiencies that ensue from the System requiring participants to repeatedly re-enter Pegged Orders until a price becomes available, or the System posting Pegged Orders at their limit prices, if there is no pegging price. Moreover, the proposal to amend Rule 4703(d) to state expressly that Midpoint Pegging Orders are subject to price collars, like Orders with Primary and Market Pegging, will have no competitive impact as the proposal is consistent with existing Exchange practice and with customer expectations.

The Exchange's proposals to amend its rules governing the Trade Now and Midpoint Trade Now Order Attributes will have no competitive impact on participants other than by rendering these Order Attributes more efficient and easier for participants to utilize.³⁵

Lastly, the Exchange perceives no burden on competition arising from its proposed changes to the circumstances in which it will hold late-submitted LOO and MOO Orders with Pegging Attributes (other than those Orders with

³⁵ The proposal to combine the Trade Now and Midpoint Trade Now Order Attributes also will not burden competition because participants that choose to utilize these Order Attributes are seeking opportunities to remove liquidity, and they are less fee sensitive in their choices. Allowing participants to remove liquidity through one instruction will enhance the efficiency of their activities.

Routing Attributes assigned to them). The proposed changes will streamline the handling of such Orders, thereby reducing the potential for confusion about the Exchange's practice for holding these Order Types in these circumstances. The Exchange proposes to maintain its existing practice of holding Market Pegged MOO Orders with Routing Attributes and LOO Orders with Routing Attributes³⁶ entered near the time of the Opening Cross because the Exchange is not yet prepared to handle such Orders similarly to how it proposes to handle such Orders without Routing Attributes, although it contemplates submitting a rule filing proposal to do so in the near future. Moreover, any impact of the proposed changes is expected to be minimal, as very few MOO and LOO Orders have historically been subject to holding.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act³⁷ and Rule 19b-4(f)(6) thereunder.³⁸

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings

³⁶ The Exchange's proposal to add the word "Routing" to the rule text will merely clarify that the existing holding practice will continue for certain MOO and LOO Orders.

³⁷ 15 U.S.C. 78s(b)(3)(A).

³⁸ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

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-NASDAQ-2021-044 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-NASDAQ-2021-044. 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-NASDAQ-2021-044, and should be submitted on or before July 15, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.³⁹

J. Matthew DeLesDernier,
Assistant Secretary.

[FR Doc. 2021-13285 Filed 6-23-21; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-92203; File No. SR-CBOE-2021-025]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Order Granting Approval of a Proposed Rule Change, as Modified by Amendment No. 1, To Amend Cboe Rules 5.37 and 5.38 in Connection With Allocations at the Conclusion of the Exchange's Automated Improvement Mechanism ("AIM") and Complex AIM ("C-AIM") Auctions

June 17, 2021.

I. Introduction

On April 14, 2021, Cboe Exchange, Inc. (the "Exchange" or "Cboe Options") 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 adopt a Priority Order Plus status in connection with the allocation of exclusively listed index option classes at the conclusion of the Exchange's Automated Improvement Mechanism ("AIM" or "AIM Auction") and Complex AIM ("C-AIM" or "C-AIM Auction") auctions. The proposed rule change was published for comment in the **Federal Register** on May 3, 2021.³ The Commission received no comments regarding the proposal. On June 8, 2021, the Exchange submitted Amendment No. 1 to the proposed rule change.⁴ The Commission is approving the proposed rule change.

³⁹ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 91689 (April 27, 2021), 86 FR 23453 ("Notice").

⁴ In Amendment No. 1, the Exchange updated Exhibit 5 of the proposed rule change to reflect another proposed rule change unrelated to this proposed rule change. Because Amendment No. 1 is a technical amendment that does not materially alter the substance of the proposed rule change or raise unique or novel regulatory issues, it is not subject to notice and comment. Amendment No. 1 to the proposed rule change is available on the Commission's website at: <https://www.sec.gov/rules/sro/cboe.htm#SR-CBOE-2021-025>.

II. Description of the Proposed Rule Change

The AIM and C-AIM are electronic auctions intended to provide an Agency Order with the opportunity to receive price improvement (over the National Best Bid or Offer (“NBBO”) in AIM, or the synthetic best bid or offer (“SBBO”) on the Exchange in C-AIM).⁵ Upon submitting an Agency Order into one of these auctions, the Initiating Trading Permit Holder (“Initiating TPH”) must also submit a contra-side second order (“Initiating Order”) for the same size as the Agency Order. The Initiating Order guarantees that the Agency Order will receive an execution. Upon commencement of an auction, market participants may submit responses to trade against the agency order. At the conclusion of the auction, the System⁶ allocates the Agency Order, taking into account all auction responses, unrelated orders, and quotes.⁷ Depending on the contra-side interest available, the Initiating Order may be allocated a certain percentage of the Agency Order.⁸ Any execution prices at the conclusion of an AIM Auction must be at or better than both sides of the BBO existing at the conclusion of the AIM Auction and at or better than both sides of the Initial NBBO,⁹ and any execution prices at the conclusion of a C-AIM Auction must be at or between the SBBO and the best prices of any complex orders resting on each side of the Complex Order Book (“COB”) at the conclusion of the C-AIM Auction.

Currently, the Exchange may offer Priority Order¹⁰ status to Users¹¹ for allocations at the conclusion of an AIM Auction. If the Exchange designates a class as eligible for Priority Order status, then at the conclusion of an AIM Auction, Users with Priority Orders receive executions against the Agency

Order after Priority Customers¹² and the Initiating TPH have received their Agency Order allocations.¹³ Priority Order status is only valid for the duration of the particular AIM Auction.¹⁴

The Exchange proposes to adopt a new Priority Order Plus status in connection with the allocation of exclusively listed index option classes at the conclusion of the Exchange’s AIM and C-AIM auctions. An “exclusively listed option” is an option that trades exclusively on an exchange because the exchange has an exclusive license to list and trade the option or has the proprietary rights in the interest underlying the option.¹⁵

A. Priority Order Plus and Priority Order Status in AIM

Proposed Rule 5.37(e)(4) would provide that the Exchange may designate any exclusively listed index option class as eligible for Priority Order Plus status and any class as eligible for Priority Order status. A class designated as eligible for one status would not be eligible for the other status.¹⁶ If the Exchange designates a class as eligible for Priority Order Plus or Priority Order status, Users would have priority for their contra-side interest Priority Orders up to their size in the Initial NBBO at each price level at or better than the Initial NBBO.¹⁷ Each status is only valid for the duration of the particular AIM Auction.¹⁸

The proposed rule change amends Rule 5.37(e)(1)(B), which describes the allocation priority where the AIM results in no price improvement to the Agency Order, to provide that Users with Priority Order Plus status may be allocated directly following Priority Customer allocations but prior to Initiating TPH allocations. The proposed rule change also amends Rule 5.37(e)(2)(B), which sets forth the

allocation priority where the AIM results in price improvement and the Initiating TPH has selected a single-price submission, to provide that Users with Priority Order status or Priority Order Plus status (as designated by the Exchange) may be allocated directly following Priority Customer allocations.

Additionally, proposed Rule 5.37(e)(1)(B) would provide that Priority Orders eligible for Priority Order Plus status are allocated in a pro-rata manner. Likewise, the proposed rule change updates Rules 5.37(e)(1)(C) and (D) and (e)(2)(B), (C) and (D) to reflect that Priority Orders, all other contra-side interest (including AIM responses and orders and quotes on the Book) and non-Priority Customer non-displayed Reserve Quantity pursuant to these Rules are allocated in a pro-rata manner.¹⁹

B. Priority Complex Order Plus Status in C-AIM

With respect to allocation priority in C-AIM, the proposed Rule 5.38(e)(4) would permit the Exchange to designate any exclusively listed index option class as eligible for Priority Complex Order Plus status, pursuant to which proposed Priority Complex Orders may receive Agency Order executions after Priority Customers at the conclusion of a C-AIM Auction. Specifically, proposed Rule 5.38(e)(4) provides that, if the Exchange designates a class as eligible for Priority Complex Order Plus status, Users with contra-side complex interest at the conclusion of the C-AIM Auction and displayed resting quotes and orders that were at a price equal to the BBO on the opposite side of the market from any of the components of the Agency Order at the time the C-AIM Auction commenced (“Priority Complex Orders”), have priority in their contra-side complex interest up to their largest size in a BBO in a pro-rata manner (after Priority Customers have received allocations, as set forth in subparagraphs (e)(1) through (3) above). Priority Complex Order Plus status is only valid for the duration of the particular C-AIM Auction.²⁰ The proposed change also adopts new Rules 5.38(e)(1)(B) and 5.38(e)(2)(B),²¹ which provide for the allocation of Priority

¹⁹The proposed rule change also updates Rule 5.39(e)(2)(C), which provides for generally similar order of allocations at the conclusion of a Solicitation Auction Mechanism (“SAM” or “SAM Auction”), to likewise reflect that non-Priority Customer non-displayed Reserve Quantity is allocated in a pro-rata manner.

²⁰ See proposed Rule 5.38(e)(4).

²¹The proposed rule change also updates the numbering of current Rule 5.38(e)(1)(B) through (e)(1)(D) and current Rule 5.38(e)(2)(B) to reflect the addition of new Rules 5.38(e)(1)(B) and (e)(2)(B).

⁵ See Rules 5.38 (AIM) and 5.38 (C-AIM).

⁶ The term “System” means the Exchange’s hybrid trading platform that integrates electronic and open outcry trading of option contracts on the Exchange, and includes any connectivity to the foregoing trading platform that is administered by or on behalf of the Exchange, such as a communications hub. See Rule 1.1.

⁷ See Rules 5.37(e) and 5.38(e).

⁸ *Id.*

⁹ The term “Initial NBBO” means the national best bid or national best offer at the time an Auction is initiated. See Rule 5.37.

¹⁰ The term “Priority Order” refers to displayed resting quotes and orders that were at a price equal to the Initial NBBO on the opposite side of the market from the Agency Order. See Rule 5.37(e)(4). See also Securities Exchange Release No. 87972 (September 24, 2019), 84 FR 51673, 51678 (September 30, 2019) (defining the term “Priority Order” and providing that these orders will have priority at each price level).

¹¹ The term “User” means any TPH or Sponsored User who is authorized to obtain access to the System pursuant to Rule 5.5. See Rule 1.1.

¹² The term “Priority Customer” means a person or entity that is a Public Customer and is not a Professional. See Rule 1.1.

¹³ Priority Orders receive priority pursuant to the order of allocation as set forth in Rule 5.37(e)(1) (if the Auction results in no price improvement), Rule 5.37(e)(2) (if the Auction results in price improvement for the Agency Order and the Initiating TPH selected a single-price submission) or Rule 5.37(e)(3) (if the Auction results in price improvement for the Agency Order and the Initiating TPH selected auto-match).

¹⁴ The Exchange states that Priority Order status is currently activated for numerous classes in AIM.

¹⁵ See Notice, *supra* note 3, at 23453, n.3. The Exchange states that an exclusively listed option is different than a “singly listed option,” which is an option that is not an “exclusively listed option” but that is listed by one exchange and not by any other national securities exchange. See *id.*

¹⁶ See Proposed Rule 5.37(e)(4).

¹⁷ See *id.*

¹⁸ See *id.*

Complex Orders (in a pro-rata manner), if the Exchange has designated the class as eligible for Priority Complex Order Plus status, immediately following Priority Customer allocations and prior to any Initiating TPH allocations, pursuant to Rule 5.38(e)(1)(A) (if the C-AIM Auction results in no price improvement) and Rule 5.38(e)(2) (if the C-AIM Auction results in price improvement for the Agency Order and the Initiating TPH selected a single-price submission).

III. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, with Section 6(b) of the Act.²² In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,²³ which requires, among other things, that the rules of a national securities exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest, and that the rules of a national securities exchange not be designed to permit unfair discrimination between customers, issuers, brokers or dealers. The Commission believes that the proposed new Priority Order Plus allocation status may encourage further competition in the AIM and C-AIM in exclusively listed classes, by encouraging aggressive quoting from Users. According to the Exchange, price improvement auctions have provided the market with benefits (such as providing an efficient manner of access to liquidity for customers), however, the options industry overall has observed that quoted liquidity on the book has decreased, quotes have widened, and options market makers have reduced their participation in the market, which the Exchange believes has impacted market quality.²⁴ By providing market

participants, particularly Market-Makers and other liquidity providers, the opportunity to receive priority over the Initiating TPH in exclusively listed index classes if they post more aggressive markets, the Commission believes the potential for increased competition within an individual AIM or C-AIM auction may enhance displayed liquidity, provide for tighter markets, and ultimately provide better execution prices for all market participants in classes available exclusively for trading on the Exchange.

While the Commission recognizes that the loss of Initiating TPH priority to Users with Priority Order Plus status may potentially result in fewer auctions being initiated, the Commission believes that those individual auctions should be more competitive, as Users may be encouraged by the prospect of Priority Order Plus status to submit competitive orders/quotes. This may benefit the Agency Order by providing more opportunity for price improvement within an individual auction. The AIM Auction in particular should benefit from potentially increased competition, especially since the AIM Auction no longer provides guaranteed price improvement for smaller orders (except where the NBBO spread is \$0.01).²⁵

The Commission also believes that updating the allocation of Priority Orders and other contra-side interest (including non-Priority Customer non-displayed Reserve Quantity) to be pro-rata for all AIM- or SAM-eligible classes (as applicable), as opposed to price-time, may enhance competition by encouraging market participants to bring more liquidity into the auctions and provide competitive bids and offers throughout an auction. The Commission notes that pro-rata allocation is consistent with the manner in which other options exchanges allocate agency orders at the conclusion of comparable price improvement auctions²⁶ and solicitation auctions on those exchanges.²⁷ Further, the proposed pro-

cdn.batstrading.com/resources/comment_letters/Cboe-Joint-Letter-with-SIFMA-and-The-STA-on-Options-Market-Structure.pdf.

²⁵ See Securities Exchange Act Release No. 91609 (April 19, 2021), 86 FR 21773 (April 23, 2021) (SR-CBOE-2021-024).

²⁶ See Nasdaq ISE Options 3, Section 13(d)(3), which governs allocations at the conclusion of ISE's price improvement mechanism and allocates an agency order across non-Priority Customer interest "based upon the percentage of the total number of contracts available at the price that is represented by the size of such interest"; and MIAX Options Rule 515A(a)(2)(iii), which governs allocations at the conclusion of MIAX's price improvement mechanism and allocates an agency order across Professional interest on a pro-rata basis.

²⁷ See Nasdaq ISE Options 3, Section 11(d)(3), which governs the allocations at the conclusion of

pro-rata allocation for Priority Orders and all other contra-side interest at the conclusion of an AIM Auction is consistent with the manner in which the same orders currently receive allocations at the conclusion of an AIM auction on the Exchange's affiliated options exchange, Cboe EDGX Exchange, Inc. ("EDGX Options").²⁸

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,²⁹ that the proposed rule change (SR-CBOE-2021-025), is approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.³⁰

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021-13244 Filed 6-23-21; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-92183; File No. SR-FINRA-2021-015]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing of a Proposed Rule Change To Amend FINRA Rules 1210 (Registration Requirements) and 1240 (Continuing Education Requirements)

June 15, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² notice is hereby given that on June 3, 2021, the Financial Industry Regulatory Authority, Inc. ("FINRA") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by FINRA. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

ISE's solicitation mechanism and allocates an agency order across non-Priority Customer interest "based upon the percentage of the total number of contracts available at the best price that is represented by the size of the non-Priority Customer [interest]".

²⁸ Pursuant to EDGX Options Rules 21.19(e)(1)(C)-(D) and (e)(2)(B)-(C), Priority Orders or all other contra-side interest, as applicable, are allocated pursuant to EDGX Options Rule 21.8(c), which provides that all option classes on EDGX Options have a pro-rata base algorithm for orders resting at the same best price.

²⁹ 15 U.S.C. 78s(b)(2).

³⁰ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

²² 15 U.S.C. 78f(b). In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

²³ 15 U.S.C. 78f(b)(5).

²⁴ See Letter to Brett Redfearn, Director, Division of Trading & Markets, from Cboe Global Markets, Inc. the Listed Options Trading Committee of the Securities Industry and Financial Markets Association ("SIFMA"), and the Listed Options Committee of the Security Traders Association ("STA"), dated June 4, 2018, available at <http://>

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

FINRA is proposing to amend FINRA Rule 1240 (Continuing Education Requirements). The proposed rule change also makes conforming amendments to FINRA Rule 1210 (Registration Requirements). Among other changes, the proposed rule change requires that the Regulatory Element of continuing education be completed annually rather than every three years and provides a path through continuing education for individuals to maintain their qualification following the termination of a registration.

The text of the proposed rule change is available on FINRA's website at <http://www.finra.org>, at the principal office of FINRA 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, FINRA 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. FINRA 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

(i) Background

The continuing education program for registered persons of broker-dealers ("CE Program") currently requires registered persons to complete continuing education consisting of a Regulatory Element and a Firm Element. The Regulatory Element, which is administered by FINRA, focuses on regulatory requirements and industry standards, while the Firm Element is provided by each firm and focuses on securities products, services and strategies the firm offers, firm policies and industry trends. The CE Program is codified under the rules of the self-regulatory organizations ("SROs"). The CE Program for registered persons of FINRA members is codified under Rule 1240.³

³ See also Rule 1210.07 (All Registered Persons Must Satisfy the Regulatory Element of Continuing Education).

a. Regulatory Element

Rule 1240(a) (Regulatory Element) currently requires a registered person to complete the applicable Regulatory Element initially within 120 days after the person's second registration anniversary date and, thereafter, within 120 days after every third registration anniversary date.⁴ FINRA may extend these time frames for good cause shown.⁵ Registered persons who have not completed the Regulatory Element within the prescribed time frames will have their FINRA registrations deemed inactive and will be designated as "CE inactive" in the CRD system until the requirements of the Regulatory Element have been satisfied.⁶ A CE inactive person is prohibited from performing, or being compensated for, any activities requiring FINRA registration, including supervision. Moreover, if registered persons remain CE inactive for two consecutive years, they must requalify by retaking required examinations (or obtain a waiver of the applicable qualification examinations).⁷

⁴ See Rules 1240(a)(1) (Requirements) and (a)(4) (Reassociation in a Registered Capacity). An individual's registration anniversary date is generally the date they initially registered with FINRA in the Central Registration Depository ("CRD®") system. However, an individual's registration anniversary date would be reset if the individual has been out of the industry for two or more years and is required to requalify by examination, or obtain an examination waiver, in order to reregister. An individual's registration anniversary date would also be reset if the individual obtains a conditional examination waiver that requires them to complete the Regulatory Element by a specified date. Non-registered individuals who are participating in the waiver program under Rule 1210.09 (Waiver of Examinations for Individuals Working for a Financial Services Industry Affiliate of a Member) ("FSAWP participants") are also subject to the Regulatory Element. See also Rule 1240(a)(5) (Definition of Covered Person). The Regulatory Element for FSAWP participants correlates to their most recent registration(s), and it must be completed based on the same cycle had they remained registered. FSAWP participants are eligible for a single, fixed seven-year waiver period from the date of their initial designation, subject to specified conditions. Registered persons who become subject to a significant disciplinary action, as specified in Rule 1240(a)(3) (Disciplinary Actions), may be required to retake the Regulatory Element within 120 days of the effective date of the disciplinary action, if they remain registered. Further, their cycle for participation in the Regulatory Element may be adjusted to reflect the effective date of the disciplinary action rather than their registration anniversary date.

⁵ See Rule 1240(a)(2) (Failure to Complete).

⁶ See *supra* note 5. Individuals must complete the entire Regulatory Element session to be considered to have "completed" the Regulatory Element; partial completion is the same as non-completion.

⁷ This CE inactive two-year period is calculated from the date such persons become CE inactive, and it continues to run regardless of whether they terminate their registrations before the end of the two-year period. Therefore, if registered persons terminate their registrations while in a CE inactive status, they must satisfy all outstanding Regulatory

The Regulatory Element consists of a subprogram for registered persons generally, and a subprogram for principals and supervisors.⁸ While some of the current Regulatory Element content is unique to particular registration categories, most of the content has broad application to both representatives and principals.⁹

The Regulatory Element was originally designed at a time when most individuals had to complete the Regulatory Element at a test center, and its design was shaped by the limitations of the test center-based delivery model. In 2015, FINRA transitioned the delivery of the Regulatory Element to an online platform ("CE Online"), which allows individuals to complete the content online at a location of their choosing, including their private residence. This online delivery provides FINRA with much greater flexibility in updating content in a timelier fashion, developing content tailored to each registration category and presenting the material in an optimal learning format.

b. Firm Element

Rule 1240(b) (Firm Element) currently requires each firm to develop and administer an annual Firm Element training program for covered registered persons.¹⁰ The rule requires firms to conduct an annual needs analysis to determine the appropriate training.¹¹ Currently, at a minimum, the Firm Element must cover training in ethics and professional responsibility as well as the following items concerning securities products, services and strategies offered by the member: (1) General investment features and associated risk factors; (2) suitability and sales practice considerations; and (3) applicable regulatory requirements.¹²

A firm, consistent with its needs analysis, may determine to apply

Element prior to the end of the CE inactive two-year period in order to reregister with a member without having to requalify by examination or having to obtain an examination waiver.

⁸ The S101 (General Program for Registered Persons) and the S201 (Registered Principals and Supervisors).

⁹ The current content is presented in a single format leading individuals through a case that provides a story depicting situations that they may encounter in the course of their work.

¹⁰ The rule defines "covered registered persons" as any registered person who has direct contact with customers in the conduct of a member's securities sales, trading and investment banking activities, any individual who is registered as an Operations Professional or a Research Analyst, and the immediate supervisors of any such persons. See Rule 1240(b)(1) (Persons Subject to the Firm Element).

¹¹ See Rule 1240(b)(2) (Standards for the Firm Element).

¹² See *supra* note 11.

toward the Firm Element other required training. The current rule does not expressly recognize other required training, such as training relating to the anti-money laundering (“AML”) compliance program and training relating to the annual compliance meeting,¹³ for purposes of satisfying Firm Element training.

c. Termination of a Registration

Currently, individuals whose registrations as representatives or principals have been terminated for two or more years may reregister as representatives or principals only if they requalify by retaking and passing the applicable representative- or principal-level examination or if they obtain a waiver of such examination(s) (the “two-year qualification period”).¹⁴ The two-year qualification period was adopted prior to the creation of the CE Program and was intended to ensure that individuals who reregister are relatively current on their regulatory and securities knowledge.

(ii) Proposed Rule Change

After extensive work with the Securities Industry/Regulatory Council on Continuing Education (“CE Council”) and discussions with stakeholders, including industry participants and the North American Securities Administrators Association (“NASAA”), FINRA proposes the

following changes to the CE Program under Rule 1240.¹⁵

a. Transition to Annual Regulatory Element for Each Registration Category

As noted above, currently, the Regulatory Element generally must be completed every three years, and the content is broad in nature. Based on changes in technology and learning theory, the Regulatory Element content can be updated and delivered in a timelier fashion and tailored to each registration category, which would further the goals of the Regulatory Element.¹⁶ Therefore, to provide registered persons with more timely and relevant training on significant regulatory developments, FINRA proposes amending Rule 1240(a) to require registered persons to complete the Regulatory Element annually by December 31.¹⁷ The proposed amendment would also require registered persons to complete Regulatory Element content for each representative or principal registration category that they hold, which would also further the goals of the Regulatory Element.¹⁸

¹⁵ The proposed changes are based on the CE Council’s September 2019 recommendations to enhance the CE Program. See Recommended Enhancements for the Securities Industry Continuing Education Program, available at <http://cecouncil.org/media/266634/council-recommendations-final-.pdf>. The CE Council is composed of securities industry representatives and representatives of SROs. The CE Council was formed in 1995 upon a recommendation from the Securities Industry Task Force on Continuing Education and was tasked with facilitating the development of uniform continuing education requirements for registered persons of broker-dealers.

¹⁶ When the CE Program was originally adopted in 1995, registered persons were required to complete the Regulatory Element on their second, fifth and 10th registration anniversary dates. See Securities Exchange Act Release No. 35341 (February 8, 1995), 60 FR 8426 (February 14, 1995) (Order Approving File Nos. SR-AMEX-94-59; SR-CBOE-94-49; SR-CHX-94-27; SR-MSRB-94-17; SR-NASD-94-72; SR-NYSE-94-43; SR-PSE-94-35; and SR-PHLX-94-52). The change to the current three-year cycle was made in 1998 to provide registered persons more timely and effective training, consistent with the overall purpose of the Regulatory Element. See Securities Exchange Act Release No. 39712 (March 3, 1998), 63 FR 11939 (March 11, 1998) (Order Approving File Nos. SR-CBOE-97-68; SR-MSRB-98-02; SR-NASD-98-03; and SR-NYSE-97-33).

¹⁷ See proposed Rules 1240(a)(1) and (a)(4). Some commenters supported the proposed change to an annual requirement, while others disagreed with it or expressed concerns with the burdens it would impose on firms and registered persons. See *infra* Item I.L.C.(a) and (b)(i).

¹⁸ See proposed Rules 1210.07 and 1240(a)(1). Commenters generally supported the development of tailored content that is specific to each registration category. See *infra* Item I.L.C.(a). However, some commenters questioned whether there would be sufficient content for certain registration categories in a given year, while others were concerned that some individuals could be

Under the proposed rule change, firms would have the flexibility to require their registered persons to complete the Regulatory Element sooner than December 31, which would allow firms to coordinate the timing of the Regulatory Element with other training requirements, including the Firm Element.¹⁹ For example, a firm could require its registered persons to complete both their Regulatory Element and Firm Element by October 1 of each year.

Individuals who would be registering as a representative or principal for the first time on or after the implementation date of the proposed rule change would be required to complete their initial Regulatory Element for that registration category in the next calendar year following their registration.²⁰ In addition, subject to specified conditions, individuals who would be reregistering as a representative or principal on or after the implementation date of the proposed rule change would also be required to complete their initial Regulatory Element for that registration category in the next calendar year following their reregistration.²¹

Consistent with current requirements, individuals who fail to complete their Regulatory Element within the prescribed period would be automatically designated as CE inactive.²² However, the proposed rule change preserves FINRA’s ability to extend the time by which a registered person must complete the Regulatory Element for good cause shown.²³

FINRA also proposes amending Rule 1240(a) to clarify that: (1) Individuals who are designated as CE inactive would be required to complete all of their pending and upcoming annual Regulatory Element, including any annual Regulatory Element that becomes due during their CE inactive

subject to duplicate or excessive content. See *infra* Item I.L.C.(a) and (b)(i).

¹⁹ See proposed Rules 1240(a)(1) and (a)(4).

²⁰ See proposed Rule 1240(a)(1).

²¹ See proposed Rule 1240(a)(4).

²² See proposed Rule 1240(a)(2). In *Regulatory Notice 20-05* (February 2020), FINRA had proposed a 15-day grace period prior to being designated as CE inactive, provided that the member documented the reasons for the individual’s failure to complete the Regulatory Element within the prescribed calendar year and retained the documentation for recordkeeping purposes. Some commenters noted that the proposed grace period would increase administrative and operational burdens, while one commenter requested that FINRA provide a longer grace period. See *infra* Item I.L.C.(b)(i). FINRA has determined to eliminate the proposed grace period to avoid any unnecessary burdens.

²³ See *supra* note 22. The proposed rule change clarifies that the request for an extension of time must be in writing and include supporting documentation, which is consistent with current practice.

¹³ See FINRA Rules 3310(e) and 3110(a)(7).

¹⁴ See Rule 1210.08 (Lapse of Registration and Expiration of SIE). The two-year qualification period is calculated from the date individuals terminate their registration and the date FINRA receives a new application for registration. The two-year qualification period does not apply to individuals who terminate a limited registration category that is a subset of a broader registration category for which they remain qualified. For instance, it would not apply to an individual who maintains his registration as a General Securities Representative but who terminates his registration as an Investment Company and Variable Contracts Products Representative. Such individuals have the option of reregistering in the more limited registration category without having to requalify by examination or obtain an examination waiver so long as they continue to remain qualified for the broader registration category. Further, the two-year qualification period only applies to the representative- and principal-level examinations; it does not extend to the Securities Industry Essentials (“SIE”) examination. The SIE examination is valid for four years, but having a valid SIE examination alone does not qualify an individual for registration as a representative or principal. Individuals whose registrations as representatives or principals have been revoked pursuant to FINRA Rule 8310 (Sanctions for Violation of the Rules) may only requalify by retaking the applicable representative- or principal-level examination in order to reregister as representatives or principals, in addition to satisfying the eligibility conditions for association with a firm. Waivers are granted either on a case-by-case basis under Rule 1210.03 (Qualification Examinations and Waivers of Examinations) or as part of the waiver program under Rule 1210.09.

period, to return to active status;²⁴ (2) the two-year CE inactive period is calculated from the date individuals become CE inactive, and it continues to run regardless of whether individuals terminate their registrations;²⁵ (3) individuals who become subject to a significant disciplinary action may be required to complete assigned continuing education content as prescribed by FINRA;²⁶ (4) individuals who have not completed any Regulatory Element content for a registration category in the calendar year(s) prior to reregistering would not be approved for registration for that category until they complete that Regulatory Element content, pass an examination for that registration category or obtain an unconditional examination waiver for that registration category, whichever is applicable;²⁷ and (5) the Regulatory Element requirements apply to individuals who are registered, or in the process of registering, as a representative or principal.²⁸ In addition, FINRA proposes making conforming amendments to Rule 1210.07.

Under the proposed rule change, the amount of content that registered persons would be required to complete in a three-year, annual cycle for a particular registration category is expected to be comparable to what most registered persons are currently completing every three years.²⁹ In some years, there may be more required content for some registration categories depending on the volume of rule changes and regulatory issues. In addition, an individual who holds multiple registrations may be required to complete additional content compared to an individual who holds a single registration because, as noted above, individuals would be required to complete content specific to each registration category that they hold.³⁰ However, individuals with multiple registrations would not be subject to duplicative regulatory content in any

given year. The more common registration combinations would likely share much of their relevant regulatory content each year. For example, individuals registered as General Securities Representatives and General Securities Principals would receive the same content as individuals solely registered as General Securities Representatives, supplemented with a likely smaller amount of supervisory-specific content on the same topics. The less common registration combinations may result in less topic overlap and more content overall.

b. Recognition of Other Training Requirements for Firm Element and Extension of Firm Element to All Registered Persons

To better align the Firm Element requirement with other required training, FINRA proposes amending Rule 1240(b) to expressly allow firms to consider training relating to the AML compliance program and the annual compliance meeting toward satisfying an individual's annual Firm Element requirement.³¹ FINRA also proposes amending the rule to extend the Firm Element requirement to all registered persons, including individuals who maintain solely a permissive registration consistent with Rule 1210.02 (Permissive Registrations), thereby further aligning the Firm Element requirement with other broadly-based training requirements.³² In conjunction with this proposed change, FINRA proposes modifying the current minimum training criteria under Rule 1240(b) to instead provide that the training must cover topics related to the role, activities or responsibilities of the registered person and to professional responsibility.³³

c. Maintenance of Qualification After Termination of Registration

FINRA proposes adopting paragraph (c) under Rule 1240 and Supplementary Material .01 and .02 to Rule 1240 to provide eligible individuals who terminate any of their representative or principal registrations the option of maintaining their qualification for any

of the terminated registrations by completing continuing education.³⁴ The proposed rule change would not eliminate the two-year qualification period.³⁵ Rather, it would provide such individuals an alternative means of staying current on their regulatory and securities knowledge following the termination of a registration(s). Eligible individuals who elect not to participate in the proposed continuing education program would continue to be subject to the current two-year qualification period. The proposed rule change is generally aligned with other professional continuing education programs that allow individuals to maintain their qualification to work in their respective fields during a period of absence from their careers (including an absence of more than two years) by satisfying continuing education requirements for their credential.

The proposed rule change would impose the following conditions and limitations:

- Individuals would be required to be registered in the terminated registration category for at least one year immediately prior to the termination of that category;³⁶
- individuals could elect to participate when they terminate a registration or within two years from the termination of a registration;³⁷

³⁴ Commenters overwhelmingly supported this proposed change. See *infra* Item I.I.C.(b)(iii). The proposed option would also be available to individuals who terminate any permissive registrations as provided under Rule 1210.02. However, the proposed option would not be available to individuals who terminate a limited registration category that is a subset of a broader registration category for which they remain qualified. As previously noted, such individuals currently have the option of reregistering in the more limited registration category without having to requalify by examination or obtain an examination waiver so long as they continue to remain qualified for the broader registration category. In addition, the proposed option would not be available to individuals who are maintaining an eliminated registration category, such as the category for Corporate Securities Representative, or individuals who have solely passed the Securities Industry Essentials examination, which does not, in and of itself, confer registration.

³⁵ One commenter requested that FINRA eliminate the two-year qualification period. See *infra* Item I.I.C.(b)(iii).

³⁶ See proposed Rule 1240(c)(1).

³⁷ See proposed Rule 1240(c)(2). Individuals who elect to participate at the later date would be required to complete, within two years from the termination of their registration, any continuing education that becomes due between the time of their Form U5 (Uniform Termination Notice for Securities Industry Registration) submission and the date that they commence their participation. In addition, FINRA would enhance its systems to notify individuals of their eligibility to participate, enable them to affirmatively opt in, and notify them of their annual continuing education requirement if they opt in.

²⁴ See *supra* note 22.

²⁵ See *supra* note 22.

²⁶ See proposed Rule 1240(a)(3). As previously noted, Rule 1240(a)(3) currently provides that such individuals may be required to retake the Regulatory Element. See *supra* note 4.

²⁷ See proposed Rule 1240(a)(4).

²⁸ See proposed Rule 1240(a)(5).

²⁹ As previously noted, some commenters questioned whether there would be sufficient annual content for certain registration categories and some commenters were concerned that some individuals might be subject to duplicate or excessive content on an annual basis. See *supra* note 18; see *infra* Item I.I.C.(a) and (b)(i).

³⁰ As discussed in the economic impact assessment, individuals with multiple registrations represent a smaller percentage of the population of registered persons.

³¹ See proposed Rule 1240(b)(2)(D). Commenters overwhelmingly supported this proposed change. See *infra* Item I.I.C.(b)(ii).

³² See proposed Rule 1240(b)(1). As noted earlier, the current requirement only applies to "covered registered persons" and not all registered persons. Not all commenters agreed with this proposed change. See *infra* Item I.I.C.(b)(ii).

³³ See proposed Rule 1240(b)(2)(B). In *Regulatory Notice* 20-05, FINRA had proposed to retain the current minimum training criteria under Rule 1240(b)(2)(B). One commenter stated that the current criteria is overly prescriptive and that the requirement should be more flexible. See *infra* Item I.I.C.(b)(ii). FINRA is revising the rule in response.

- individuals would be required to complete annually all prescribed continuing education;³⁸
- individuals would have a maximum of five years in which to reregister;³⁹
- individuals who have been CE inactive for two consecutive years, or who become CE inactive for two consecutive years during their participation, would not be eligible to participate or continue;⁴⁰ and
- individuals who are subject to a statutory disqualification, or who become subject to a statutory disqualification following the termination of their registration or during their participation, would not be eligible to participate or continue.⁴¹

³⁸ See proposed Rule 1240(c)(3). However, upon a participant's request and for good cause shown, FINRA would have the ability to grant an extension of time for the participant to complete the prescribed continuing education. A participant who is also a registered person must directly request an extension of the prescribed continuing education from FINRA. The continuing education content for participants would consist of a combination of Regulatory Element content and content selected by FINRA and the CE Council from the Firm Element content catalog discussed below. One commenter suggested that the content, subject matter and volume of training be the same for both participants and registered persons. See *infra* Item I.L.C.(b)(iii). The content would correspond to the registration category for which individuals wish to maintain their qualifications. Participants who are maintaining their qualification status for a principal registration category that includes one or more corequisite representative registrations must also complete required annual continuing education for the corequisite registrations in order to maintain their qualification status for the principal registration category. In *Regulatory Notice* 20–05, FINRA had proposed that participants complete the prescribed continuing education annually. The proposed rule change clarifies that the prescribed continuing education must be completed by December 31 of the calendar year, which is consistent with the timing for the proposed annual Regulatory Element.

³⁹ See proposed Rule 1240(c). As described in greater detail in Item I.L.C. of this filing, in *Regulatory Notice* 20–05, FINRA had proposed a seven-year participation period, and some commenters suggested that there should not be any time limit on the participation period. See *infra* Item I.L.C.(b)(iii). However, based on discussions with NASAA and its support for a participation period of five years, the proposed rule change provides a five-year participation period in the interest of consistency and promoting registration efficiency. See *infra* Item I.L.C.(b)(iii). The proposed five-year participation period would continue to serve the diversity and inclusion goals of the proposed rule change. In addition, individuals applying for reregistration must satisfy all other requirements relating to the registration process (e.g., submit a Form U4 (Uniform Application for Securities Industry Registration or Transfer) and undergo a background check).

⁴⁰ See proposed Rules 1240(c)(4) and (c)(5).

⁴¹ See proposed Rules 1240(c)(1) and (c)(6). Individuals who are subject to a statutory disqualification would not be eligible to enter the proposed continuing education program. Individuals who become subject to a statutory disqualification while participating in the proposed continuing education program would not be eligible to continue in the program. Further, any content

The proposed rule change also includes a look-back provision that would, subject to specified conditions, extend the proposed option to individuals who have been registered as a representative or principal within two years immediately prior to the implementation date of the proposed rule change and individuals who have been FSAWP participants immediately prior to the implementation date of the proposed rule change.⁴²

completed by such participants would be retroactively nullified upon disclosure of the statutory disqualification. The following example illustrates the application of the proposed rule change to individuals who become subject to a statutory disqualification while participating in the proposed continuing education program. Individual A participates in the proposed continuing education program for four years and completes the prescribed content for each of those years. During year five of his participation, he becomes subject to a statutory disqualification resulting from a foreign regulatory action. In that same year, FINRA receives a Form U4 submitted by a member on behalf of Individual A requesting registration with FINRA. The Form U4 discloses the statutory disqualification event. FINRA would then retroactively nullify any content that Individual A completed while participating in the proposed continuing education program. Therefore, in this example, in order to become registered with FINRA, he would be required to requalify by examination. This would be in addition to satisfying the eligibility conditions for association with a FINRA member firm. See Exchange Act Sections 3(a)(39) and 15(b)(4) and Article III of the FINRA By-Laws.

⁴² See proposed Supplementary Material .01 to Rule 1240. Such individuals would be required to elect whether to participate by the implementation date of the proposed rule change. If such individuals elect to participate, they would be required to complete their initial annual content by the end of the calendar year in which the proposed rule change is implemented. In addition, if such individuals elect to participate, their initial participation period would be adjusted based on the date that their registration was terminated. The current waiver program for FSAWP participants would not be available to new participants upon implementation of the proposed rule change. See proposed Rule 1210.09. However, individuals who are FSAWP participants immediately prior to the implementation date of the proposed rule change could elect to continue in that waiver program until the program has been retired. As noted above, FSAWP participants may participate for up to seven years in that waiver program, subject to specified conditions. See *supra* note 4. In *Regulatory Notice* 20–05, FINRA had proposed to eliminate the FSAWP given that the participation period of seven years for FSAWP participants would have been the same for participants in the proposed continuing education program. As discussed above, the proposed rule change provides a five-year participation period for participants in the proposed continuing education program. So as not to disadvantage FSAWP participants, FINRA has determined to preserve that waiver program for individuals who are participating in the FSAWP immediately prior to the implementation date of the proposed rule change. Because the proposed rule change transitions the Regulatory Element to an annual cycle, FSAWP participants who remain in that waiver program following the implementation of the proposed rule change would be subject to an annual Regulatory Element requirement. See proposed Rule 1240(a)(1). Finally, the proposed rule change preserves FINRA's ability to extend the time by which FSAWP participants must complete

In addition, the proposed rule change includes a re-eligibility provision that would allow individuals to regain eligibility to participate each time they reregister with a firm for a period of at least one year and subsequently terminate their registration, provided that they satisfy the other participation conditions and limitations.⁴³ Finally, FINRA proposes making conforming amendments to Rule 1210, including adding references to proposed Rule 1240(c) under Rule 1210.08.

The proposed rule change will have several important benefits. It will provide individuals with flexibility to address life and career events and necessary absences from registered functions without having to requalify each time. It will also incentivize them to stay current on their respective securities industry knowledge following the termination of any of their registrations. The continuing education under the proposed option will be as rigorous as the continuing education of registered persons, which promotes investor protection. Further, the proposed rule change will enhance diversity and inclusion in the securities industry by attracting and retaining a broader and diverse group of professionals. Moreover, if the proposed rule change is implemented, FINRA will evaluate its efficacy following implementation to ensure that it is meeting its goals.

Significantly, the proposed rule change will be of particular value to women, who continue to be the primary caregivers for children and aging family members and, as a result, are likely to be absent from the industry for longer periods.⁴⁴ In addition, the proposed rule change will provide longer-term relief for women, individuals with low incomes and other populations, including older workers, who are at a higher risk of a job loss during certain economic downturns and who are likely to remain unemployed for longer periods.⁴⁵

the Regulatory Element for good cause shown. See proposed Rule 1240(a)(2).

⁴³ See proposed Supplementary Material .02 to Rule 1240.

⁴⁴ See *The Female Face of Family Caregiving* (November 2018), available at <https://www.nationalpartnership.org/our-work/resources/economic-justice/female-face-family-caregiving.pdf>.

⁴⁵ See *The COVID–19 Recession is the Most Unequal in Modern U.S. History* (September 30, 2020), available at <https://www.washingtonpost.com/graphics/2020/business/coronavirus-recession-equality/> and *Unemployment's Toll on Older Workers Is Worst in Half a Century* (October 21, 2020), available at <https://www.aarp.org/work/working-at-50-plus/info-2020/pandemic-unemployment-older-workers>.

d. Other Enhancements to CE Program

FINRA and the CE Council also plan to enhance the CE Program in other ways.⁴⁶ FINRA will work with the CE Council to incorporate a variety of instructional formats to present the Regulatory Element content. In addition, FINRA will work with the CE Council to publish in advance the Regulatory Element learning topics for the next year.⁴⁷ This will allow firms to review the Regulatory Element topics when developing their Firm Element training plan to avoid unnecessary duplication of topics. The proposed transition to an annual Regulatory Element requirement would increase the number of registered persons who would be required to complete the Regulatory Element on an annual basis. To assist compliance with this proposed change, FINRA would enhance its systems to provide firms and registered persons with additional notification, management and tracking functionality. In response to comments, FINRA would also make the Regulatory Element available via a mobile compatible format.⁴⁸

FINRA and the CE Council also will improve the guidance and resources available to firms to develop effective Firm Element training programs, such as updated guidance for developing and documenting training plans and specific principles. Further, FINRA and the CE Council will develop a catalog of continuing education content that would serve as an optional resource for firms to select relevant Firm Element content and create learning plans for their registered persons. The catalog would include content developed by third-party training providers, FINRA and the other SROs participating in the CE Program. Firms would have the option of using the content in the catalog for purposes of their Firm Element training; they would not be obligated to select content from the catalog.

If the Commission approves the proposed rule change, FINRA will announce the implementation dates of the proposed rule change in a *Regulatory Notice* to be published no later than 90 days following Commission approval.

⁴⁶ These additional enhancements do not require any changes to the FINRA rules. Most commenters supported these enhancements, while some commenters had concerns and questions. See *infra* Item I.I.C.(b)(iv).

⁴⁷ If there are any other critical rule changes or other regulatory developments that arise during a given year, FINRA and the CE Council will work to provide registered persons timely and sufficient training on such rule changes and developments.

⁴⁸ See *infra* Item I.I.C.(b)(i).

2. Statutory Basis

The proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,⁴⁹ which requires, among other things, that FINRA rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest, and Section 15A(g)(3) of the Act,⁵⁰ which authorizes FINRA to prescribe standards of training, experience and competence for persons associated with FINRA members.

FINRA believes that the proposed changes to the Regulatory Element and Firm Element will ensure that all registered persons receive timely and relevant training, which will, in turn, enhance compliance and investor protection. Further, FINRA believes that establishing a path for individuals to maintain their qualification following the termination of a registration will reduce unnecessary impediments to requalification and promote greater diversity and inclusion in the securities industry without diminishing investor protection.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the proposed rule change would result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. All members would be subject to the proposed rule change.

Economic Impact Assessment

FINRA has undertaken an economic impact assessment, as set forth below, to further analyze the regulatory need for the proposed rule change, its potential economic impacts, including anticipated costs, benefits, and distributional and competitive effects, relative to the current baseline, and the alternatives FINRA considered in assessing how best to meet its regulatory objective.

Regulatory Need

FINRA is proposing to make changes to the CE Program, including the related FINRA rules, as part of ongoing efforts to address and implement the CE Council's recommendations. As described above, the proposed rule change focuses on: (1) Ensuring that all registered persons receive relevant and sufficient Regulatory Element and Firm Element training on an annual basis; (2) providing a path through continuing

education for individuals to maintain their qualification following the termination of a registration; and (3) providing firms with the guidance and resources necessary to design effective and efficient Firm Element training programs.

The proposed rule change is expected to result in a more efficient CE Program that addresses relevant regulatory requirements and provides individuals with improved tools and resources to understand and comply with such requirements, enhancing investor protection. Moreover, the proposed rule change would provide new channels for individuals to maintain their qualification status for a terminated registration category and, in so doing, could increase the likelihood that professionals who need to step away from the industry for a period could return, subject to satisfying all other requirements relating to the registration process.

Economic Baseline

The economic baseline for the proposed rule change is the existing CE Program. As described above, registered persons of broker-dealers are required to participate in continuing education consisting of a Regulatory Element and a Firm Element. The Regulatory Element is generally delivered every three years and focuses on regulatory requirements and industry standards, while the Firm Element is an annual requirement and focuses on securities products, services and strategies firms offer, firm policies and industry trends.

As stated above, under the current regime, individuals generally have a two-year window from the termination of their association with a member to reregister without requalifying by examination or obtaining a waiver. According to FINRA's analysis, the total number of registered persons, approximately 620,000, has shown a slow decrease over the past few years even as individual registered persons regularly change their status by ending and renewing their association with a firm.⁵¹ Across this pool of registered persons, approximately 65% hold only one FINRA registration category (for example either a General Securities Representative (Series 7) registration or an Investment Company and Variable Contracts Products Representative (Series 6) registration), 25% hold two FINRA registrations (for example a General Securities Representative

⁵¹ The number of registered persons has been decreasing at an annual rate of approximately 1% per year. See, e.g., 2020 FINRA Industry Snapshot, available at <https://www.finra.org/rules-guidance/guidance/reports-studies/2020-industry-snapshot>.

⁴⁹ 15 U.S.C. 78o-3(b)(6).

⁵⁰ 15 U.S.C. 78o-3(g)(3).

registration and an Investment Banking Representative registration), and the remainder hold three FINRA registrations or more. Moreover, across the pool of registered persons, in addition to the FINRA registration, approximately 90% hold at least one state registration, and 50% hold more than five state registrations. With respect to registration with a FINRA member, in recent years, out of the approximately 620,000 registered persons, approximately 90,000 end their registration with all firms with whom they are registered at some point during the year. Out of these, about half do not renew their registration and are considered to have left the securities industry.

Under the current baseline, registered persons who terminate a registration are given a two-year grace period in which they can reregister without being required to retake a qualification examination or obtain an examination waiver. Individuals who seek to reregister more than two years after terminating their association are required to requalify by passing an examination or obtaining an

examination waiver. Requalification imposes costs in the form of time spent preparing for and taking the examinations, potential limitations to the activities permitted to be conducted until the requalification is completed, opportunity costs for the individual and the potential employers in terms of lost business, and the direct registration costs. FINRA understands anecdotally that these costs currently deter some significant portion of the population that give up their registrations from reregistering.

Figure 1, as an example, presents a plot of the number of registered persons that reregister within a given number of years after having terminated their registrations for at least 60 days.⁵² The focus is on registered persons who terminated their registrations in either 2007, 2008 or 2009 and the period of time until they reregister with the same or a different firm.⁵³ Each bar in Figure 1 represents a 100-day period and, roughly speaking, three-and-a-half bars represent one year. As can be observed in Figure 1, for all three origination years, there is an increase in the number of previously registered persons who

reregister towards the end of the second year from their date of termination. This is consistent with the incentive in the current rule permitting individuals to reregister without having to requalify by passing an examination or having to obtain an examination waiver (*i.e.*, the current two-year qualification period) and supports the assumption that the requalification process imposes direct and indirect economic costs. After this point, there is a significant drop in the number of individuals who reregister.

Moreover, following the end of the second year after terminating their registrations, the number of individuals reregistering remains low and tapers off slowly. Finally, an analysis of the stage in the Regulatory Element cycle at which registered persons terminate their registrations, on average, across the time period of 2007–2016, suggests that registered persons who terminate their registrations tend to do so approximately 530 days before their next Regulatory Element would be due (*i.e.*, on average in the middle of a current three-year Regulatory Element cycle).

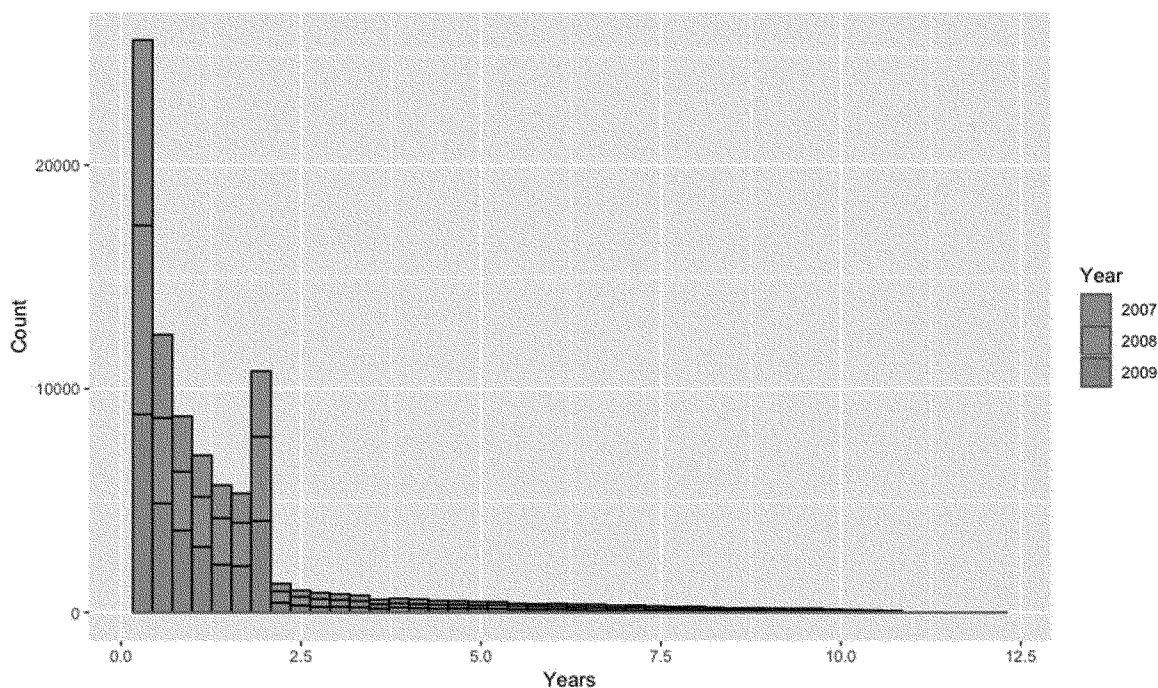


Figure 1: Plot of the number of previously registered persons that reregister within a given number of

years after having terminated their registrations for at least 60 days in either 2007, 2008 or 2009. Each bar represents

100 days, and every year is accordingly represented by approximately three-and-a-half bars.

⁵² The minimum 60 days for employment gap follows the definition used in the 2020 FINRA Industry Snapshot, available at <https://www.finra.org/rules-guidance/guidance/reports-studies/2020-industry-snapshot>.

⁵³ The period of 2007–2009 covers the events before, during and after the 2008 financial crisis. These events had an effect on the number of individuals leaving the industry, which indeed rose during this period. However, the trends observed for these years do not appear to be extreme outliers

and, moreover, potentially reflect changes in labor markets that the proposed rule change is targeting. Further, the three years selected for the analysis provide the means to study the trends of individuals returning to the industry for up to a period of 10 years of being away from it.

With respect to firms, the economic baseline is derived from the current processes and procedures used to implement the existing CE Program. Firms are currently responsible for the appropriate monitoring of the compliance of their registered persons with the three-year Regulatory Element cycle and for administering the annual Firm Element. Further, firms may experience material negative impact where they are not able to retain qualified experienced persons because of professional and personal events that require such individuals to take an extended leave of absence from the industry.

Economic Impacts

FINRA believes that economic impacts of the proposed rule change would result in both benefits and costs to firms and registered persons and would potentially benefit the investor community. FINRA will undertake an evaluation of the efficacy of the program within a reasonable period following the implementation date. The aim of such an evaluation is to ensure that the program is meeting its goals and objectives, without resulting in unintended diminished investor protections, or unintended increase in regulatory burden on any relevant parties.

Anticipated Benefits

FINRA believes that the proposed rule change would result in two main benefits to registered persons.

First, as discussed above, the proposed rule change would transition the Regulatory Element from a three-year requirement to an annual requirement. Such an annual requirement is implemented for other professionals, such as Certified Public Accountants (“CPAs”), Chartered Financial Analysts (“CFAs”) and lawyers.⁵⁴ The 2015 transition to CE Online resulted in a more efficient program and added a new dimension of

flexibility to the CE Program in terms of the content, timing and availability of the program. This change would allow the Regulatory Element to focus on current issues and recent regulatory changes and enhance registered persons’ understanding of the changes through more frequent assessments. A transition to an annual cycle is expected to benefit registered persons by helping to ensure that they understand recent regulatory changes and are thus able to perform their work in a compliant and effective manner. Under the current program, a regulatory change could take place in the beginning of a three-year Regulatory Element cycle and thus result in some portion of the individuals in that cycle being assessed on their knowledge of the change at a significantly later date.

Second, FINRA believes that a significant benefit of the proposed rule change for registered persons would be the increased flexibility in terms of maintaining their qualification for a terminated registration category. As can be observed in Figure 1, there is an increase in the number of individuals who reregister towards the end of the two-year period, which is the current grace period for maintaining their qualification status. Extending this period to five years through the completion of continuing education would provide flexibility to individuals, as well as potentially result in increased retention of expertise in the industry.

With respect to increased flexibility, extending the current two-year period to five years would allow individuals to manage significant life events, including professional changes and development (such as pursuing educational goals, a career change to a role in the firm that is not part of the broker-dealer, working overseas for an extended period due to a career change or an attempt at a different career path) or personal life events (such as birth or adoption of a child, unexpected loss in the family or relocation due to family needs).⁵⁵

Through discussions with industry representatives, FINRA has learned that the proposed rule change could potentially lower the barrier to reentry to the industry. Some firms indicated that a significant benefit may arise in cases where an individual leaves the broker-dealer to gain experience in an affiliate of a parent company, for instance in an affiliated commercial bank, investment adviser or foreign affiliate. Other firms indicated that the proposed rule change could potentially be relevant for under-represented populations in the securities industry, such as, for example, female registrants.⁵⁶

With respect to firms, FINRA believes that the proposed rule change will result in three main benefits. First, FINRA believes that the transition to an annual Regulatory Element cycle will reduce firms’ regulatory risk, as well as enhance compliance and reduce compliance-related costs. This benefit would potentially result from the enhanced timeliness and relevance afforded by the proposed annual cycle.

Second, the proposed rule change would further enhance and streamline the Firm Element requirement. These changes include an express recognition of existing firm training programs, such as the annual compliance meeting, toward satisfying a registered individual’s Firm Element requirement, potentially saving firms compliance resources currently devoted to developing and implementing different training programs. In addition, in conjunction with the proposed rule change, FINRA and the CE Council would develop a content catalog, managed by FINRA, that would serve as an optional resource from which firms could select or supplement their Firm Element content.⁵⁷ Such a catalog could provide firms with a more cost-efficient resource for Firm Element content.

Third, with respect to the extended time period for maintaining a qualification status, FINRA believes that

impacts across genders. However, women are much more likely (15% versus 2%) to experience family-related disruptions and the total reported length out of the work force resulting from the disruption is three times longer for women versus men (150 weeks versus 53 weeks).

⁵⁶ FINRA has repeated the analysis presented in Figure 1, separating registered persons by gender. The analysis found that female registered persons are underrepresented, at an approximate ratio of one to four. With respect to the pattern of reregistering under the baseline that is presented in Figure 1, the analysis found that the pattern was similar for either male or female registered persons, when studied separately. However, this does not rule out that female registrants could especially benefit from the proposed rule change, for the reasons discussed above.

⁵⁷ See *supra* Item II.A.1.(ii)d.

⁵⁴ In general, the CFA requires 20 hours of continuing education on an annual basis. See CFA’s Continuing Education (CE) Program, available at <https://www.cfainstitute.org/en/membership/professional-development/pl>. The American Institute of CPAs (“AICPA”) requires 120 credit hours of continuing education over a three-year period, with the requirement of 40 credit hours per year. See AICPA’s Continuing Professional Education (CPE) Requirements for CPAs, available at <https://www.aicpa.org/cpe-learning/cperequirements.html>. The continuing education requirement for lawyers is different across states, but it generally ranges between 10–15 credit hours per year. See https://www.americanbar.org/content/dam/aba/directories/policy/aba_model_rule_comparison_by_state_meet_model_rule_noted.pdf. None of these three professions requires members to be active practitioners to maintain their credentials.

⁵⁵ See, e.g., Christy Spivey, *Time Off at What Price? The Effects of Career Interruptions on Earnings*, 59(1) *Indus. & Lab. Rel. Rev.* 119–140 (2005); Jill K. Hayter, *Career Interrupted for What Reason? Job Interruptions and Their Wage Effects*, 30(4) *J. App. Bus. Res.* 1197–1210 (2014). Spivey (2005) uses the National Longitudinal Survey of Youth (“NLSY”) data, and finds that the total time spent out of the labor force for men was 2.9 years on average, with a standard deviation of 3.7. The paper finds that women spent on average 5.3 years out of the labor force, with a standard deviation of 5.1. Finally, the paper reports that the average number of interruptions was 2.53 for women and 0.93 for men. Hayter (2014) also studies the NLSY data. The paper reports the percentage of women and men in the sample who experienced various types of employment disruptions, and the average cumulative length of disruptions by type, conditional on having at least one interruption. Non-family disruptions are found to have similar

the proposed rule change could result in added flexibility for firms in terms of hiring qualified candidates. This could ultimately extend the potential pool of securities industry professionals and potentially benefit firms regardless of their size. Through discussions with industry representatives, FINRA has learned that this could permit firms to better retain skilled professionals, more easily provide individuals with professional development outside the broker-dealer, and facilitate the hiring process for experienced professionals who have required the career flexibility.

In addition, FINRA believes that the investor community will ultimately benefit from the proposed rule change. These benefits will stem from the potential increase in the knowledge and ongoing training of registered persons, as well as through the increased flexibility of retention of skill and experience in the industry.

Finally, FINRA notes that these benefits may be limited for individuals seeking to maintain FINRA and state registrations if there are significant differences between the relevant requirements across the various regulatory frameworks. For instance, currently, state regulators require an individual to retake examinations for terminated licenses after two years. Some individuals may be dissuaded from remaining in the industry where the state requirements are more binding than those proposed in this filing. Others may be dissuaded from taking advantage of the flexibility provided by the proposed rule change at the expense of other obligations. As discussed above, approximately 90% of registered individuals hold some combination of FINRA and state registrations. This may serve as an upper bound on an estimate of the proportion of the population that may be limited in the full advantages of the proposed rule change, depending on the combinations of registrations held and individual state rules.⁵⁸

⁵⁸ As of November 2020, out of the approximately 620,000 FINRA registered persons, approximately 84% held a Series 7 or a Series 6. This population is expected to potentially be impacted by regulatory differences (or an estimate of the percentage of the relevant population that may be constrained by differences between FINRA and state rules). Further, approximately 78% of the total registered persons population have at least one state license. Depending on roles and responsibilities of FINRA registered persons, there is not always a state licensure requirement (specifically, non-customer-facing roles). The anticipated benefits of the proposed rule change might be more fully achieved for these individuals. Finally, the impacts of the potential differences may be particularly pronounced in a few states that have more than 200,000 individuals licensed in them. For these states, approximately 90% of these individuals (on average across these states) hold a Series 7 or a Series 6.

Anticipated Costs

FINRA believes that, alongside the anticipated benefits discussed above, the proposed rule change would also result in costs for both firms and registered persons.

With respect to registered persons, FINRA anticipates three main costs that may result from the proposed rule change. First, the move to an annual Regulatory Element cycle will increase the frequency of the required training and the associated impact of failing to complete the annual content.⁵⁹ Further, this anticipated increase in burdens is expected to be smaller for individuals with a single registration category than for individuals with more than one registration category. Individuals with more than one registration category (approximately 35% of registered persons) may have more Regulatory Element content (including the associated time commitment) in a given year, in comparison to individuals with only a single registration category. Second, the introduction of Regulatory Element notifications directly to registered persons could shift some of the time management burden to them. Third, the eligibility requirements for maintaining a qualification status for a terminated registration category will require an individual to have been registered with FINRA in that registration category for at least one year, which could limit potential career changes that may occur within a shorter period.

With respect to firms, FINRA anticipates some costs that may result from the proposed rule change. The transition to an annual Regulatory Element requirement could ultimately increase the administrative and operational burden on firms due to changes to compliance systems. This is anticipated in terms of the resources required to implement and monitor compliance with the program on an annual basis. These resources would

⁵⁹ However, as discussed above, the amount of content that registered persons would be required to complete in a three-year, annual cycle for a particular registration category is expected to be comparable to what most registered persons are currently completing every three years. See *supra* Item II.A.1.(ii)a. Some commenters expressed concerns regarding the costs and burdens that the proposed annual requirement would impose on firms and registered persons. See *infra* Item II.C.(a) and (b)(i). FINRA recognizes that the transition to an annual Regulatory Element requirement may result in potential costs and burdens. However, FINRA believes that any such costs and burdens are appropriate and justified given the significant regulatory benefit of more tailored and timelier Regulatory Element. Further, FINRA believes that some of the potential costs and burdens would be mitigated by the proposed enhancements to the program.

also need to be potentially further increased to address the proposed extension of the Firm Element requirement to all registered persons.⁶⁰

It is anticipated that costs stemming from the change to an annual Regulatory Element requirement will tend to increase with the number of representatives at a firm and thus be higher in aggregate at larger firms. However, economies of scale likely exist in the application of the proposed requirements. Thus, the average additional cost per representative at larger firms will likely be lower than that at smaller firms.⁶¹

Alternatives Considered

FINRA has considered a range of alternatives in developing the proposed rule change. These included alternative frequency of the Regulatory Element requirement (periodic versus annual), alternative time periods for becoming eligible to maintain a qualification status for a terminated registration category (one year versus more than one year) and alternative time periods for maintaining a qualification status (seven years versus 10 or five years).

The proposed rule change reflects a consideration of the various alternatives. Within each of these alternatives there is a trade-off between providing the flexibility to encourage more registered persons to remain in the industry when other, outside demands arise versus ensuring that those individuals are likely to be aware of current regulations and best practices. For example, with respect to maintaining qualifications, FINRA believes that a length of five years could achieve the main goals and anticipated benefits of the program. FINRA considered whether a seven-year period would better balance flexibility against investor protection risks. Such a seven-year period would also likely provide a reasonable upper limit on the length of the proposed requalification option, in so far as a longer period might erode the benefits of the proposed option. While the proposed participation period of five years may limit some individuals' ability to remain in the industry, it may better mitigate the impact of differences

⁶⁰ Some commenters noted that the extension of the Firm Element to all registered persons could result in unnecessary costs and burdens, and they also noted that this proposed change could have a disparate impact on firms with large home offices and firms with large numbers of registered support staff and others holding permissive registrations. See *infra* Item II.C.(b)(ii).

⁶¹ One commenter suggested that the transition to an annual Regulatory Element could increase administrative workloads and costs on smaller firms and independent contractors. See *infra* Item II.C.(b)(i).

with state licensing requirements.⁶² Considering the discussion above regarding economic impacts, issues stemming from other regulatory frameworks, as well as the views expressed by commenters in response to *Regulatory Notice* 20–05, including NASAA’s support for a participation period of five years, FINRA believes that a five-year period is more appropriate.⁶³

C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

(a) Comments Relating to Regulatory Notice 18–26

In September 2018, the CE Council published an initial document outlining several potential enhancements to the CE Program under consideration by the CE Council. In support of the CE Council, FINRA published *Regulatory Notice* 18–26 (September 2018) (“*Notice* 18–26”) requesting comment on the potential enhancements. In response to *Notice* 18–26, FINRA, on behalf of the CE Council, received 22 comment letters. A copy of *Notice* 18–26 is available on FINRA’s website at <http://www.finra.org>. Copies of the comment letters received in response to *Notice* 18–26 are also available on FINRA’s website.

Most commenters generally supported the potential enhancements outlined by the CE Council. The commenters expressed overwhelming interest in implementing a mechanism for allowing previously registered individuals to maintain their qualification after the termination of their registrations for longer than the current two-year period. In addition, most commenters agreed that there is value in moving to an annual Regulatory Element requirement in order to provide registered persons with more timely and relevant education and training. However, many expressed concern that doing so could increase the administrative and operational burden on both firms and registered persons, particularly for firms with a narrowly focused business model (e.g., the sale of mutual funds and variable annuities). One commenter expressed concern that increasing the frequency of the Regulatory Element may exacerbate the existing burden on those without ready access to a high-speed internet connection, which is currently required for online access. Many commenters supported Regulatory Element content that is tailored and

specific to each registration category rather than content that applies generally to all registered persons. Some of these commenters questioned whether there are sufficient regulatory developments occurring annually that would be relevant to individuals with limited registrations, such as registered persons engaged in the sale of mutual funds and variable annuities. Further, commenters widely supported the creation of a content catalog that firms could leverage for administering education and training for their Firm Element programs. Finally, several commenters requested more guidance on the Firm Element component, including express guidance that other training requirements may count toward satisfying the Firm Element requirement.

Following a review of the public comments and further discussions with industry and SRO participants, in September 2019, the CE Council published its recommendations to enhance the CE Program.⁶⁴ As previously noted, the proposed rule change is based on the CE Council’s recommendations.⁶⁵

(b) Comments Relating to Regulatory Notice 20–05

The proposed rule change was published for comment in *Regulatory Notice* 20–05 (February 2020) (“*Notice* 20–05”). FINRA received 26 comment letters in response to *Notice* 20–05. A copy of *Notice* 20–05 is available on FINRA’s website at <http://www.finra.org>. Copies of the comment letters received in response to *Notice* 20–05 are also available on FINRA’s website.⁶⁶

Below is a summary of the comments on *Notice* 20–05 and FINRA’s responses.

(i) Transition to Annual Regulatory Element for Each Registration Category

Most of the commenters addressing the proposed annual Regulatory Element requirement supported the change. Some of these commenters qualified their support. ARM supported the proposed change if individuals with multiple registrations would not be subject to additional or duplicative requirements. SIFMA, Morgan Stanley, LPL and Fidelity suggested an annual “cap” on the number of modules that individuals must complete. Huntington was concerned about the potential

increase in compliance and supervisory burdens and duplicative training. Monahan & Roth requested that the cost of the annual requirement be proportionately less. STANY requested that FINRA be mindful of the impact of costs and compliance efforts, especially for smaller firms.

Further, Integrated Solutions suggested that registrations that have been held for longer periods be subject to less frequent Regulatory Element. CFA suggested that an individual’s “primary” registration be subject to an annual requirement and that the individual’s other registrations be subject to less frequent Regulatory Element. PFS requested that Investment Company and Variable Contracts Products Representatives be subject to less frequent Regulatory Element because there may not be enough material to develop annual content for such individuals. Morgan Stanley suggested that FINRA consider a phased approach followed by a cost-benefit analysis to further assess the impact of the transition. ARM and Foreside stated that the 15-day grace period for completing the Regulatory Element, which was originally proposed in *Regulatory Notice* 20–05, would increase administrative and operational burdens. Morgan Stanley requested that FINRA provide a 30-day grace period. Morgan Stanley and SIFMA also requested that FINRA provide hiring firms with information regarding an individual’s Regulatory Element status at the prehire stage, subject to the individual’s consent.

Several commenters did not support the proposed annual Regulatory Element requirement or raised other concerns with the proposed change. Executive Advisors, MML, Nationwide and Pacer did not support the proposed annual requirement. FSI stated that the proposed change would potentially increase administrative workloads and costs on smaller firms and independent contractors as well as duplicative training. FSI also requested clarification regarding the impact of a CE inactive status on an individual’s state registrations, including advisory registrations, and adequate time for firms to implement the proposed rule change. PFS stated that the proposed change to an annual requirement would disparately impact those without broadband internet, which is currently required to complete the Regulatory Element.

Registered persons would not be subject to duplicative regulatory content in any given year, regardless of how many registrations they hold. Further, FINRA does not believe that it is

⁶² Some commenters expressed support for an indefinite participation period. See *infra* Item I.I.C.(b)(iii).

⁶³ See *infra* Item I.I.C.(b)(iii).

⁶⁴ See *supra* note 15.

⁶⁵ See *supra* note 15.

⁶⁶ See SR-FINRA-2021-015 (Form 19b-4, Exhibit 2d) for a list of abbreviations assigned to commenters (available on FINRA’s website at <http://www.finra.org>).

necessary to establish an annual “cap” on the amount of regulatory content as suggested by some commenters. Rather, with respect to individuals who hold a significant number of registrations, FINRA and the CE Council would review the amount of content that such individuals would be required to complete each year and, if necessary, the amount would be adjusted so that it is reasonable and balanced. FINRA will file a separate proposed rule change to establish the session fee for the proposed annual Regulatory Element; we generally expect that the fee for the annual Regulatory Element would be reduced and be the same for all registered persons, regardless of the amount of content that they would be required to complete (that is, an individual who holds multiple registrations would be subject to the same annual fee as an individual who holds a single registration).

FINRA believes that the implementation of less frequent Regulatory Element for certain registration categories or a phased implementation as suggested by some commenters would be overly complex and cause confusion. FINRA will work with the CE Council to ensure that there is sufficient and appropriate content for each registration category. With respect to the originally proposed 15-day grace period prior to being designated as CE inactive, FINRA has eliminated the grace period from the proposed rule change to avoid any unnecessary burdens on firms and registered persons, as was suggested by some commenters. However, the proposed rule change preserves the ability of a firm to request an extension of time for an individual, if necessary. In addition, as is currently the case, an individual’s CE inactive status would impact the individual’s ability to function in a FINRA-registered capacity. As is the case today, any questions regarding the impact of a CE inactive status on state registrations should be directed to the appropriate state securities regulator.

Finally, in conjunction with the proposed rule change, FINRA would enhance its systems to reduce the overall burden on firms and registered persons. As part of these enhancements, FINRA would work with firms to determine what information would be helpful and appropriate prior to associating with or hiring individuals. FINRA would also provide firms with adequate time to implement the proposed rule change. Further, to mitigate any potential disparate impact on individuals who do not have ready access to a high-speed internet connection, FINRA would make the

Regulatory Element available via a mobile compatible format.

(ii) Recognition of Other Training Requirements for Firm Element and Extension of Firm Element to All Registered Persons

Commenters overwhelmingly supported the express recognition of AML compliance program training and annual compliance meeting training toward satisfying the Firm Element. Some of these commenters requested additional flexibility and clarification regarding the Firm Element requirement.

Foreside requested that firms be provided with the flexibility to combine the requirements of the Regulatory Element, Firm Element and annual compliance meeting. Cambridge suggested that completion of additional modules of Regulatory Element be applied toward satisfying the Firm Element. Cambridge also recommended that ethics and professional responsibility training be included in the Regulatory Element rather than the Firm Element. Monahan & Roth stated that the current Firm Element training criteria is overly prescriptive and that the requirement should be more flexible, allowing firms to train to the scope of their business and changing environment. NRS stated that other training should count toward satisfying Firm Element training if the other training is applicable to an individual’s job function. STANY requested that industry conferences count toward satisfying the Firm Element. SIFMA requested that firms should continue to have the flexibility to determine if leveraging other training makes sense given their business model and the flexibility to cover the topics in the Regulatory Element in Firm Element training. SIFMA also requested that the Firm Element requirement recognize the unique needs of limited purpose broker-dealers and suggested that Firm Element training be designed to apply to other professional designations or training requirements. NASAA stated that satisfaction of AML compliance program training or annual compliance meeting training alone should not satisfy Firm Element training.

Not all commenters supported the extension of the Firm Element requirement to all registered persons. FSI and STANY recommended that it be optional for registered persons who are not currently covered under the rule. STANY stated that extending the requirement to individuals holding permissive registrations could create unnecessary burdens and discourage permissive registrations. LPL stated that

the proposed change may result in unnecessary costs. MML stated that it would have a disparate impact on firms with large home offices. SIFMA stated that it would be overly burdensome, particularly for firms with large numbers of registered support staff and others holding permissive registrations who are not currently covered under the rule.

The Regulatory Element cannot be combined with other training requirements. Registered persons must complete prescribed regulatory content provided by FINRA to establish that they have an appropriate level of knowledge relating to regulatory requirements. However, the Firm Element and annual compliance meeting may be combined, provided that the criteria for each requirement is satisfied.

FINRA and the CE Council will consider the possibility of making additional Regulatory Element topics available to firms, which they could apply toward satisfying Firm Element training based on their needs analysis. FINRA and the CE Council will also consider whether ethics and professional responsibility training should be covered in the Regulatory Element.

In response to comments, FINRA has revised the proposed rule change to replace the current prescriptive Firm Element criteria with a requirement that the training cover topics related to the role, activities or responsibilities of the registered person and to professional responsibility. Nothing in the proposed rule change would preclude firms from covering the Regulatory Element topics in their Firm Element training, consistent with their needs analysis. Further, consistent with their needs analysis, firms would continue to have the flexibility to determine whether other training, including industry conferences, may be applied toward the Firm Element. In addition, the CE Council will consider issuing best practices and guidance to help firms evaluate other financial industry continuing education programs for purposes of satisfying the Firm Element.

The recognition of other training requirements toward satisfying the Firm Element would still require firms to conduct a needs analysis to determine the appropriateness of applying such other training toward the Firm Element. However, based on a needs analysis, a firm may determine that such other training requirements fully satisfy the Firm Element requirement. FINRA is not considering developing Firm Element training specifically to satisfy other professional designations or

training requirements, but some existing training is, and would continue to be, appropriate for both Firm Element and other professional requirements.

The extension of the Firm Element requirement to all registered persons would ensure that firms enhance the securities knowledge, skill and professionalism of all registered persons, which is consistent with the overall goal of the Firm Element. It would also ensure that registered persons are provided more specific learning materials relevant to their day-to-day activities, which will provide each registered person a more complete training cycle. As indicated by commenters, some firms already require that all their registered persons complete Firm Element training. In addition, while firms with a larger number of registered persons, including individuals who are permissively registered, may incur additional burdens in implementing the proposed rule change, some of that burden would be mitigated based on the express recognition of other training requirements toward satisfying the Firm Element requirement. In some cases, registered persons may not have to complete any additional training beyond what they are required to complete today. For example, with respect to permissively registered persons working in a clerical or administrative capacity for a firm, the firm may determine, based on a needs analysis, that such individuals have satisfied the annual Firm Element requirement by participating in the firm-wide annual compliance meeting.

(iii) Maintenance of Qualification After Termination of Registration

Commenters overwhelmingly supported the proposed change to provide individuals the option of maintaining their qualification following the termination of a registration by completing annual continuing education. Some commenters requested additional changes, which are discussed below.

NASAA supported the goals of the proposed rule change, but it had concerns regarding the seven-year participation period originally proposed in *Regulatory Notice 20-05*. NASAA has expressed support for a participation period of five years. CFA, Fidelity, Foreside, Integrated Solutions and STANY stated that there should not be any time limit on the participation period. FSI, Foreside, MML, SIFMA and STANY requested that the proposed rule change also extend to state licenses.

Cambridge suggested that the content, subject matter and volume of training be

the same for both participants and registered persons. Cambridge also suggested that the learning topics for participants be available to firms so that they may elect to apply it to their registered persons. FSI recommended that individuals who elect to participate at a later date following their Form U5 submission should not be required to complete any content that is outdated. MML wanted to know what would happen if a participant misses an annual cycle. In addition, MML requested that individuals who became CE inactive within three years prior to the implementation date of the proposed rule change should be able to participate. SIFMA requested that hiring firms be provided with information regarding a participant's status. CFA recommended that the current two-year qualification period be eliminated.

The proposed time limit for participation is necessary to ensure that previously registered individuals maintain an appropriate level of securities experience throughout their professional careers. FINRA believes that a seven-year period better serves the diversity and inclusion goals of the proposed rule change. However, FINRA also recognizes the benefits to the industry of having further alignment between FINRA qualification requirements and state licensing requirements. Therefore, in the interest of consistency and promoting registration efficiency, the proposed rule change provides individuals a maximum of five years in which to reregister, which will still serve the diversity and inclusion goals. As noted above, following implementation of the proposed rule change, FINRA will review the efficacy of the program, which will include a review of the participation period. In addition, FINRA will work with NASAA and state regulators to provide for an appropriate process and system support to allow states to track and process registration requests for individuals operating under the two- or five-year examination provisions.

Participants, including registered persons who elect to participate for a terminated registration category, may be subject to more overall content compared to registered persons who are not participants because participants would be required to complete a minimum amount of non-regulatory content selected by FINRA and the CE Council. FINRA and the CE Council will consider publishing the learning topics for participants for those firms that may elect to apply it to their registered persons. FINRA and the CE Council will also work to ensure that eligible

individuals who elect to participate are not subject to outdated content.

Participants who miss an annual cycle for a registration category would be provided with an opportunity to continue by completing any missed content, provided that the registration category has not been terminated for two or more years.⁶⁷ Individuals who have been CE inactive for two consecutive years prior to the implementation date of the proposed rule change would not be eligible to participate because of the long lapse in continuing education. FINRA would work with firms to determine what information regarding a participant's status would be helpful and appropriate. The current two-year qualification period would not be eliminated because participation is optional and eligible individuals may elect not to participate.⁶⁸

(iv) Other Enhancements to CE Program

Most commenters supported the other enhancements to the CE Program. However, some commenters had concerns and questions. SIFMA requested that consideration be given to potential technical limitations and challenges of registrants when designing diverse instructional formats for the Regulatory Element. FSI, MML and SIFMA requested that the Regulatory Element learning topics for each upcoming year be published early.

⁶⁷ Participants who fail to complete the required annual content for a registration category that has been terminated for two or more years would not be eligible to continue. For example, if the proposed rule change were implemented on January 1, 2022, a participant who completes the required annual content for the General Securities Representative category in 2022, 2023 and 2024 but fails to complete the 2025 annual content would not be eligible to continue beyond 2025. In the example above, if the individual reregisters with a firm as a General Securities Representative in 2025, the individual would be required to complete any annual Regulatory Element applicable to the General Securities Representative registration category by December 31, 2025. If the individual fails to complete such Regulatory Element by December 31, 2025, the individual would be designated as CE inactive in the CRD system beginning on January 1, 2026. Alternatively, if the individual decides to reregister with a firm as a General Securities Representative at any point beyond 2025, the individual would be required to requalify by examination, or obtain an examination waiver, in order to reregister.

⁶⁸ In this regard, it should be noted that if an individual who holds a single registration terminates that registration and elects not to participate, the registration would be subject to the two-year qualification period. Similarly, if an individual with multiple registration categories terminates only some of those registration categories (that is, files a partial termination) and elects not to participate, the terminated registration category or categories would also be subject to the two-year qualification period, unless the terminated category is a subset of a broader registration category for which they remain qualified.

SIFMA suggested that firms be allowed to set the timing and frequency of FINRA-generated notifications to registered persons, especially where the firm's Regulatory Element deadline is sooner than December 31. SIFMA also suggested that FINRA should consider providing firms with the means to "audit" notifications sent to registered persons regarding the Regulatory Element via the FINRA Financial Professional Gateway ("FinPro[®]") system and that continuing education completion information, including information relating to participants who elect the proposed option, should be displayed on BrokerCheck[®]. Morgan Stanley requested that FINRA provide firms with the option to communicate directly with registered persons so firms may set their own internal timelines to fulfill the annual Regulatory Element requirement. MML suggested that sending a notification to the personal email of a registered person via the FinPro system is inconsistent with general supervision and recordkeeping requirements relating to business-related electronic communications.

NRS supported the development of a centralized Firm Element content directory, which includes course title, description and length, intended audience, learning objectives and skill level, rather than the development of a content catalog. Among other reasons, NRS stated that SROs should not create Firm Element content because it may have the unintended consequence of being considered regulatory guidance.

FINRA and the CE Council will work to create optimal instructional formats for the Regulatory Element, taking into consideration the user experience. Further, FINRA and the CE Council will consider the possibility of publishing the Regulatory Element learning topics for each upcoming year early to provide firms with sufficient time to design their training for the upcoming year. FINRA will work with firms to determine the necessary enhancements to the FinPro system to facilitate the proposed transition to an annual Regulatory Element requirement. The use of the FinPro system notification functionality would not be inconsistent with the requirements relating to electronic communications. Firms that elect to use the functionality would receive copies of the system-generated notifications, which they could review and retain.

With respect to the availability of continuing education information on BrokerCheck, an individual's CE inactive status is currently displayed on BrokerCheck and it will continue to be displayed under the proposed rule change. FINRA will also consider

whether the continuing education status of participants who elect the proposed option should be displayed on BrokerCheck. Finally, with respect to the development of a Firm Element content catalog, which most commenters supported, SROs have historically created Firm Element content and have provided firms with the option of using such content. FINRA and the CE Council are considering creating a centralized location for such content and to partner with third-party training providers to include their content in the catalog. Based on the comments and industry feedback, a content catalog would be a valuable resource and would facilitate compliance by all firms, regardless of firm type.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

- (A) By order approve or disapprove such proposed rule change, or
- (B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-FINRA-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-FINRA-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 such filing also will be available for inspection and copying at the principal office of FINRA. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-FINRA-2021-015 and should be submitted on or before July 15, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁶⁹

J. Matthew DeLesDernier,
Assistant Secretary.

[FR Doc. 2021-13286 Filed 6-23-21; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-92167; File No. SR-CboeEDGX-2021-028]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Open-Close Data Fees

June 14, 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 1, 2021, Cboe EDGX Exchange, Inc. (the "Exchange" or "EDGX") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is

⁶⁹ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

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 EDGX Exchange, Inc. (the "Exchange" or "EDGX Options") is filing with the Securities and Exchange Commission ("Commission") a proposed rule change to amend Open-Close Data fees. 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/options/regulation/rule_filings/edgx/), 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 Fees Schedule to (i) adopt an academic discount for its historical End-of-Day Open-Close and Intraday Open-Close data and (ii) offer a free trial during the months of June and July 2021 for an ad hoc request of three (3) historical months of Intraday Open-Close historical data to all Members and non-Members who have never before subscribed to the Intraday Open-Close historical files.

By way of background, the Exchange historically offered Open-Close Data, which is an end-of-day volume summary of trading activity on the Exchange at the option level by origin (customer, professional customer, broker-dealer, and market maker), side of the market (buy or sell), price, and transaction type (opening or closing) ("End-of-Day Open-Close Data"). The customer and professional customer volume is further broken down into

trade size buckets (less than 100 contracts, 100–199 contracts, greater than 199 contracts). The End-of-Day Open-Close Data is proprietary EDGX Options trade data and does not include trade data from any other exchange. It is also a historical data product and not a real-time data feed. The recently adopted Intraday Open-Close Data provides similar information to that of Open-Close Data but is produced and updated every 10 minutes during the trading day. Data is captured in "snapshots" taken every 10 minutes throughout the trading day and is available to subscribers within five minutes of the conclusion of each 10-minute period.³ The Intraday Open-Close Data provides a volume summary of trading activity on the Exchange at the option level by origin (customer, professional customer, broker-dealer, and market maker), side of the market (buy or sell), and transaction type (opening or closing). The customer and professional customer volume are further broken down into trade size buckets (less than 100 contracts, 100–199 contracts, greater than 199 contracts). The Intraday Open-Close Data is also proprietary EDGX Options trade data and does not include trade data from any other exchange. Cboe LiveVol, LLC ("LiveVol"), a wholly owned subsidiary of the Exchange's parent company, Cboe Global Markets, Inc., makes the Open-Close Data and Intraday Open-Close Data available for purchase to Members and non-Members on the LiveVol DataShop website (datashop.cboe.com). Customers may currently purchase end-of-day Open-Close Data on a subscription basis (\$500 per month) or by ad hoc request for a specified historical month (\$400 per request per month). Customers may also purchase Intraday Open-Close Data on a subscription basis (\$1,000 per month or \$12,000 per year) or by ad hoc request for a specified historical month (\$500 per request per month).

The Exchange now proposes to adopt an academic discount for ad hoc requests of historical months of these data sets. Specifically, the Exchange proposes to charge qualifying academic purchasers \$500 per year for the first year (instead of \$4,800 per year) for historical End-of-Day Open-Close Data

³ For example, subscribers to the intraday product will receive the first calculation of intraday data by approximately 9:42 a.m. ET, which represents data captured from 9:30 a.m. to 9:40 a.m. Subscribers will receive the next update at 9:52 a.m., representing the data previously provided together with data captured from 9:40 a.m. through 9:50 a.m., and so forth. Each update will represent the aggregate data captured from the current "snapshot" and all previous "snapshots."

and \$1,000 per year for the first year (instead of \$6,000 per year) for historical Intraday Open-Close Data. Additional months after the first year may be purchased separately and will be assessed a prorated amount based on the yearly rate (*i.e.*, \$41.67 per month for historical End-of-Day Open-Close and \$83.33 per month for historical Intraday Open-Close). Particularly, the Exchange believes that academic institutions and researchers provide a valuable service for the Exchange in studying and promoting the options market. Though academic institutions and researchers have need for granular options data sets, they do not trade upon the data for which they subscribe. The Exchange believes the proposed reduced fee for qualifying academic purchasers of historical End-of-Day Open-Close Data and Intraday Open-Close Data will encourage and promote academic studies of its market data by academic institutions. In order to qualify for the academic pricing, an academic purchaser must be (1) an accredited academic institution or member of the faculty or staff of such an institution, (2) that will use the data in independent academic research, academic journals and other publications, teaching and classroom use, or for other bona fide educational purposes (*i.e.*, academic use). Furthermore, use of the data must be limited to faculty and students of an accredited academic institution, and any commercial or profit-seeking usage is excluded. Academic pricing will not be provided to any purchaser whose research is funded by a securities industry participant. LiveVol subscriber policies will reflect the academic discount program, and academic users interested in qualifying will be required to submit a brief application. LiveVol Business Development will have the discretion to review and approve such applications and request additional information when it deems necessary.

The Exchange notes that another exchange currently offers an academic discount for a similar data feed.⁴ Additionally, the Exchange's affiliate Cboe Exchange, Inc. ("Cboe Options") offers an academic discount for historical End-of-Day Open-Close and Intraday Open-Close Data products.⁵ The Exchange recognizes the high value of academic research and educational instruction and publications, and believes that the proposed academic discount for historical End-of-Day

⁴ See Nasdaq ISE, Options 7 Pricing Schedule, Section 10A., Nasdaq ISE Open/Close Trade Profile Intraday.

⁵ See Cboe Options Fees Schedule, Livevol Fees, Open Close Data.

Open-Close Data and Intraday Open-Close Data will encourage the promotion of academic research of the options industry, which will serve to benefit all market participants while also opening up a new potential user base among students. Finally, the Exchange notes that academic purchasers' ad hoc requests of historical End-of-Day Open-Close an Intraday Open-Close Data would be educational in use and purpose, and not vocational.

The Exchange next seeks to adopt a free trial for historical ad hoc requests for Intraday Open-Close Data for new purchasers. Particularly, the Exchange proposes to adopt a free trial available during the months of June and July 2021 to provide up to three (3) historical months of Intraday Open-Close Data to any Member or non-Member that has not previously subscribed to this offering.⁶ The Exchange believes the proposed trial will serve as an incentive for new users to start purchasing Intraday Open-Close historical data. More specifically, the Exchange believes it will give potential subscribers the ability to use and test the data offering before signing up for additional months. The Exchange also notes another exchange offers a free trial for new subscribers of a similar data product.⁷ Lastly, the purchase of Intraday Open-Close historical data is discretionary and not compulsory.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,⁸ in general, and furthers the objectives of Section 6(b)(5) of the Act,⁹ in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and to protect investors and the public interest, and that it is not

⁶ For example, if a Member or non-Member that has never made an ad-hoc request for a specified month of Intraday Open-Close historical data wishes to purchase Intraday Open-Close Data for the months of January, February and March 2021 during the month of June 2021, the historical files for those months would be provided free of charge. If a new user wishes to purchase Intraday Open-Close historical data for the months of January, February, March and April 2021 during the month of June 2021, then the data for January, February and March 2021 would be provided free of charge, and the new user would be charged \$1,000 for the April 2021 historical file.

⁷ See Nasdaq ISE, Options 7 Pricing Schedule, Section 10A., Nasdaq ISE Open/Close Trade Profile End of Day.

⁸ 15 U.S.C. 78f.

⁹ 15 U.S.C. 78f(b)(5).

designed to permit unfair discrimination among customers, brokers, or dealers. The Exchange also believes that its proposal to adopt fees for Intraday Open-Close Data is consistent with Section 6(b) of the Act in general, and furthers the objectives of Section 6(b)(4) of the Act¹⁰ in particular, in that it is an equitable allocation of dues, fees and other charges among its members and other recipients of Exchange data.

In particular, the Exchange believes that the discount for qualifying academic purchasers of the ad hoc historical End-of-Day Open-Close and Intraday Open-Close Data is reasonable because academic users are not able to monetize access to the data as they do not trade on the data set. The Exchange believes the proposed discount will allow for more academic institutions and faculty members to purchase historical End-of-Day Open-Close and Intraday Open-Close Data, and, as a result, promote research and studies of the options industry to the benefit of all market participants. The Exchange believes that the proposed discount is equitable and not unfairly discriminatory because it will apply equally to all academic users that submit an application and meet the accredited academic institution or faculty member and academic use criteria. As stated above, qualified academic users will subscribe to the data set for educational use and purposes and are not permitted to use the data for commercial or monetizing purposes, nor can qualify if they are funded by an industry participant. As a result, the Exchange believes the proposed discount is equitable and not unfairly discriminatory because it maintains equal treatment for all industry participants or other subscribers that use the data for vocational, commercial or other for-profit purposes.

The Exchange also believes that the proposed free trial for any Member or non-Member who has not previously purchased Intraday Open-Close historical data is reasonable because such users would not be subject to fees for up to 3 months' worth of Intraday Open-Close historical data. The Exchange believes the proposed free trial is also reasonable as it will give potential subscribers the ability to use and test the Intraday Open-Close historical data prior to purchasing additional months and will therefore encourage and promote new users to purchase the Intraday Open-Close

¹⁰ 15 U.S.C. 78f(b)(4).

historical data. The Exchange believes that the proposed discount is equitable and not unfairly discriminatory because it will apply equally to all Members and non-Members who have not previously purchased Intraday Open-Close historical data. Lastly, as noted above, another exchange offers a free trial to new users for a similar data product¹¹ and purchase of this data product is discretionary and not compulsory.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed rule change relating to the academic discount will apply to all qualifying academic purchasers uniformly. While the proposed fee reduction applies only to qualifying academic purchasers, academic purchasers' research and publications as a result of access to historical market data benefits all market participants. The Exchange also does not believe that the proposed rule change relating to the free trial will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed rule change will apply to all Members and non-Members who have never made an ad-hoc request to purchase Intraday Open-Close historical data. Moreover, purchase of Intraday Open-Close historical files is discretionary and not compulsory.

The Exchange also does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed change applies only to the Exchange. Furthermore, another exchange currently offers similar historical data to academic users at a discounted price as well as a similar free-trial period for similar data.¹²

¹¹ See Nasdaq ISE, Options 7 Pricing Schedule, Section 10A., Nasdaq ISE Open/Close Trade Profile End of Day.

¹² *Id.*

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on 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)¹³ of the Act and subparagraph (f)(2) of Rule 19b-4¹⁴ 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)¹⁵ 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-CboeEDGX-2021-028 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-CboeEDGX-2021-028. 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-CboeEDGX-2021-028 and should be submitted on or before July 15, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁶

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021-13281 Filed 6-23-21; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-92208; File No. SR-MIAX-2021-25]

Self-Regulatory Organizations; Miami International Securities Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule To Adopt Fees for a New Data Product Known as the Liquidity Taker Event Report

June 17, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on June 7, 2021, Miami International Securities Exchange LLC ("MIAX" or "Exchange") filed with the Securities and Exchange Commission ("Commission") a

proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend the MIAX Options Fee Schedule (the "Fee Schedule") to adopt fees for a new data product to be known as the Liquidity Taker Event Report.³

The text of the proposed rule change is available on the Exchange's website at <http://www.miaxoptions.com/rule-filings>, at MIAX's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange recently adopted a new data product known as the Liquidity Taker Event Report (the "Report"), which will be available for purchase to Exchange Members⁴ on a voluntary basis. The Exchange now proposes to adopt fees for the Report. The Report was recently approved by the Securities and Exchange Commission ("Commission") and is described under Exchange Rule 531(a).⁵ The Report is an optional product available to Members.

By way of background, the Report is a daily report that provides a Member ("Recipient Member") with its liquidity response time details for executions of

³ See, generally, Exchange Rule 531(a).

⁴ The term "Member" means an individual or organization approved to exercise the trading rights associated with a Trading Permit. Members are deemed "members" under the Exchange Act. See Exchange Rule 100.

⁵ See Securities Exchange Act Release No. 92081 (June 1, 2021) (SR-MIAX-2021-21).

¹³ 15 U.S.C. 78s(b)(3)(A).

¹⁴ 17 CFR 240.19b-4(f)(2).

¹⁵ 15 U.S.C. 78s(b)(2)(B).

¹⁶ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

an order resting on the Book,⁶ where that Recipient Member attempted to execute against such resting order⁷ within a certain timeframe. It is important to note that the content of the Report is specific to the Recipient Member and the Report will not include any information related to any Member other than the Recipient Member.

The following information is included in the Report regarding the resting order: (A) The time the resting order was received by the Exchange; (B) symbol; (C) order reference number, which is a unique reference number assigned to a new order at the time of receipt; (D) whether the Recipient Member is an Affiliate⁸ of the Member that entered the resting order; (E) origin type (*e.g.*, Priority Customer,¹⁰ Market Maker¹¹); (F) side (buy or sell); and (G) displayed price and size of the resting order.¹²

The following information is included in the Report regarding the execution of the resting order: (A) The MBBO¹³ at

⁶ The term “Book” means the electronic book of buy and sell orders and quotes maintained by the System. See Exchange Rule 100. The term “System” means the automated trading system used by the Exchange for the trading of securities. See *id.*

⁷ Only displayed orders will be included in the Report. The Exchange notes that it does not currently offer any non-displayed orders types on its options trading platform.

⁸ The term “affiliate” or person “affiliated with” another person means a person who, directly, or indirectly, controls, is controlled by, or is under common control with, such other person. See Exchange Rule 100.

⁹ The Report will simply indicate whether the Recipient Member is Affiliate of the Member that entered the resting order and not include any other information that may indicate the identity of the Member that entered the resting order.

¹⁰ The term “Priority Customer” means a person or entity that (i) is not a broker or dealer in securities, and (ii) does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). The number of orders shall be counted in accordance with Interpretation and Policy .01 to Exchange Rule 100. See Exchange Rule 100.

¹¹ The term “Market Makers” refers to “Lead Market Makers”, “Primary Lead Market Makers” and “Registered Market Makers” collectively. See Exchange Rule 100.

¹² This information is also included in the Missed Opportunity—Latency Report, which is a similar report for equity securities that is offered by the NASDAQ Stock Market, LLC (the “NASDAQ Report”). See NASDAQ Equity Section 7, Rule 146(a)(2). The Exchange notes that the displayed price and size are also disseminated via the Exchange’s proprietary data feeds and the Options Price Reporting Authority (“OPRA”). The Exchange also notes that the displayed price of the resting order may be different than the ultimate execution price. This may occur when a resting order is displayed and ranked at different prices upon entry to avoid a locked or crossed market.

¹³ The term “MBBO” means the best bid or offer on the Exchange. See Exchange Rule 100.

the time of execution;¹⁴ (B) the ABBO¹⁵ at the time of execution;¹⁶ (C) the time first response that executes against the resting order was received by the Exchange and the size of the execution and type of the response;¹⁷ (D) the time difference between the time the resting order was received by the Exchange and the time the first response that executes against the resting order was received by the Exchange;¹⁸ and (E) whether the response was entered by the Recipient Member. If the resting order executes against multiple contra-side responses, only the MBBO and ABBO at the time of the execution against the first response will be included.

The following information is included in the Report regarding response(s) sent by the Recipient Member: (A) Recipient Member identifier; (B) the time difference between the time the first response that executes against the resting order was received by the Exchange and the time of each response sent by the Recipient Member, regardless of whether it executed or not;¹⁹ (C) size and type of each response submitted by Recipient Member; and (D) response reference number, which is a unique reference number attached to the response by the Recipient Member.

The Report includes the data set for executions and contra-side responses that occurred within 200 microseconds of the time the resting order was received by the Exchange. The Report contains historical data from the prior trading day and will be available after the end of the trading day, generally on a T+1 basis. The Report does not include real-time data.

¹⁴ Exchange Rule 531(a)(1)(ii)(B) provides that if the resting order executes against multiple contra-side responses, only the MBBO at the time of the execution against the first response will be included.

¹⁵ The term “ABBO” or “Away Best Bid or Offer” means the best bid(s) or offer(s) disseminated by other Eligible Exchanges (defined in Exchange Rule 1400(g)) and calculated by the Exchange based on market information received by the Exchange from OPRA. See Exchange Rule 100.

¹⁶ Exchange Rule 531(a)(1)(ii)(A) further provides that if the resting order executes against multiple contra-side responses, only the ABBO at the time of the execution against the first response will be included.

¹⁷ The time the Exchange received the response order would be in nanoseconds and would be the time the response was received by the Exchange’s network, which is before the time the response would be received by the System.

¹⁸ The time difference would be provided in nanoseconds.

¹⁹ For purposes of calculating this duration of time, the Exchange will use the time the resting order and the Recipient Member’s response(s) is received by the Exchange’s network, both of which would be before the order and response(s) would be received by the System. This time difference would be provided in nanoseconds.

The Exchange believes the additional data points from the matching engine outlined above may help Members gain a better understanding about their own interactions with the Exchange. The Exchange believes the Report will provide Members with an opportunity to learn more about better opportunities to access liquidity and receive better execution rates. The Report will increase transparency and democratize information so that all firms that subscribe to the Report have access to the same information on an equal basis, even for firms that do not have the appropriate resources to generate a similar report regarding interactions with the Exchange.

Members generally would use a liquidity accessing order if there is a high probability that it will execute against an order resting on the Exchange’s Book. The Report identifies by how much time an order that may have been marketable missed an execution. The Report will provide greater visibility into the missed trading execution, which will allow Members to optimize their models and trading patterns to yield better execution results.

The Report will be a Member-specific report and will help Members to better understand by how much time a particular order missed executing against a specific resting order, thus allowing that Member to determine whether it wants to invest in the necessary resources and technology to mitigate missed executions against certain resting orders on the Exchange’s Book.

The Exchange proposes to provide the Report in response to Member demand for data concerning the timeliness of their incoming orders and executions against resting orders. Members have periodically requested from the Exchange’s trading operations personnel information concerning the timeliness of their incoming orders and efficacy of their attempts to execute against resting liquidity on the Exchange’s Book. The purpose of the Report is to provide Members the necessary data in a standardized format on a T+1 basis to those that subscribe to the Report on an equal basis.

The product is offered to Members on a completely voluntary basis in that the Exchange is not required by any rule or regulation to make this data available and potential subscribers may purchase the Report only if they voluntarily choose to do so. It is a business decision of each Member whether to subscribe to the Report or not.

The Exchange proposes to adopt new Section 7), Reports, in its Fee Schedule,

which will provide that Members may purchase the Report on a monthly or annual (12-month) basis. The Exchange proposes to assess a monthly fee of \$4,000 per month and a fee of \$24,000 per year for a 12-month subscription for the Report. Members may cancel their subscription at any time. The Exchange also proposes to specify that for mid-month subscriptions, new subscribers will be charged for the full calendar month for which they subscribe and will be provided Report data for each trading day of the calendar month prior to the day on which they subscribed.

The Exchange intends to begin to offer the Report and charge the proposed fees on June 7, 2021.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,²⁰ in general, and furthers the objectives of Section 6(b)(5) of the Act,²¹ in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and to protect investors and the public interest, and that it is not designed to permit unfair discrimination among customers, brokers, or dealers. The Exchange also believes that its proposal to adopt fees for the Report is consistent with Section 6(b) of the Act²² in general, and furthers the objectives of Section 6(b)(4) of the Act²³ in particular, in that it is an equitable allocation of dues, fees and other charges among its Members and other recipients of Exchange data.

In adopting Regulation NMS, the Commission granted self-regulatory organizations (“SROs”) and broker-dealers increased authority and flexibility to offer new and unique market data to the public. It was believed that this authority would expand the amount of data available to consumers, and also spur innovation and competition for the provision of market data. The Exchange believes that the Report further broadens the availability of U.S. option market data to investors consistent with the principles of Regulation NMS. The Report also promotes increased transparency through the dissemination of the Report. Particularly, the Report will benefit investors by facilitating their prompt access to the value added information

that is included in the Report. The Report will allow Members to access information regarding their trading activity that they may utilize to evaluate their own trading behavior and order interactions.

The Exchange operates in a highly competitive environment. Indeed, there are currently 16 registered options exchanges that trade options. Based on publicly available information, no single options exchange has more than 15% of the market share and currently the Exchange represents only approximately 6.45% of the market share.²⁴ The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Particularly, 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.”²⁵ Making similar data products available to market participants fosters competition in the marketplace, and constrains the ability of exchanges to charge supra-competitive fees. In the event that a market participant views one exchange’s data product as more attractive than the competition, that market participant can, and often does, switch between similar products. The proposed fees are a result of the competitive environment of the U.S. options industry as the Exchange seeks to adopt fees to attract purchasers of the recently introduced Report.

The Exchange believes the proposed fees are reasonable as the proposed fees are both modest and similar to fees assessed by other exchanges that provide similar data products.²⁶ Indeed, if the Exchange proposed fees that

market participants viewed as excessively high, then the proposed fees would simply serve to reduce demand for the Exchange’s data product, which as noted, is entirely optional. Other options exchanges are also free to introduce their own comparable data products with lower prices to better compete with the Exchange’s offering. As such, the Exchange believes that the proposed fees are reasonable and set at a level to compete with other options exchanges that may choose to offer similar reports. Moreover, if a market participant views another exchange’s potential report as more attractive, then such market participant can merely choose not to purchase the Exchange’s Report and instead purchase another exchange’s similar data product, which may offer similar data points, albeit based on that other market’s trading activity.

The Exchange also believes providing an annual subscription for an overall lower fee than a monthly subscription is equitable and reasonable because it would enable the Exchange to gauge long-term interest in the Report. A lower annual subscription fee would also incentivize Members to subscribe to the Report on a long-term basis, thereby improving the efficiency by which the Exchange may deliver the Report by doing so on a regular basis over a prolonged and set period of time. The Exchange notes that other exchanges provide annual subscriptions for reports concerning their data product offerings.²⁷

The Exchange also believes the proposed fees are reasonable as they would support the introduction of a new market data product to Members that are interested in gaining insight into latency in connection with orders that failed to execute against an order resting on the Exchange’s Book. The Report accomplishes this by providing those Members data to analyze by how much time their order may have missed an execution against a contra-side order resting on the Book. Members may use this data to optimize their models and trading patterns in an effort to yield better execution results by calculating by how much time their order may have missed an execution.

Selling market data, such as the Report, is also a means by which exchanges compete to attract business. To the extent that the Exchange is successful in attracting subscribers for the Report, it may earn trading revenues

²⁴ See Cboe Global Markets U.S. Options Market Month-to-Date Volume Summary (June 1, 2021), available at https://markets.cboe.com/us/options/market_statistics/.

²⁵ See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (“Regulation NMS Adopting Release”).

²⁶ The NASDAQ Stock Market LLC (“NASDAQ”) charges fees ranging from \$1,500 to \$3,500 per month for a similar report for equity securities called the Missed Opportunity—Latency report as part of its NASDAQ Trader Insights offering. See NASDAQ Equity Section 7, Rule 146(a)(2). See also the CME Group, Inc.’s Time and Sale report. [https://www.cmegroup.com/trading/about-time-sales.html#:~:text=CME%20Globex%20Options%20Group's%20Time%20%26%20Sales%20report%20provides%20the%20price%20and%20time,calendar%20date\)%20of%20the%20transaction.&text=A%20zero%20volume%20represents%20an%20indicative%20price,-The%20Indicator%20column.](https://www.cmegroup.com/trading/about-time-sales.html#:~:text=CME%20Globex%20Options%20Group's%20Time%20%26%20Sales%20report%20provides%20the%20price%20and%20time,calendar%20date)%20of%20the%20transaction.&text=A%20zero%20volume%20represents%20an%20indicative%20price,-The%20Indicator%20column.)

²⁷ Cboe Exchange, Inc. (“Cboe”) assesses a \$24,000 annual fee for an intra-day subscription to Open-Close Data. See <https://datashop.cboe.com/options-summary-subscription>.

²⁰ 15 U.S.C. 78f(b).

²¹ 15 U.S.C. 78f(b)(5).

²² 15 U.S.C. 78f(b).

²³ 15 U.S.C. 78f(b)(4).

and further enhance the value of its data products. If the market deems the proposed fees to be unfair or inequitable, firms can diminish or discontinue their use of the data and/or avail themselves of similar products offered by other exchanges.²⁸ The Exchange therefore believes that the proposed fees for the Report reflect the competitive environment and would be properly assessed on Member users. The Exchange also believes the proposed fees are equitable and not unfairly discriminatory as the fees would apply equally to all users who choose to purchase such data. It is a business decision of each Member that chooses to purchase the Report. The Exchange's proposed fees would not differentiate between subscribers that purchase the Report and are set at a modest level that would allow any interested Member to purchase such data based on their business needs.

The Exchange reiterates that the decision as to whether or not to purchase the Report is entirely optional for all potential subscribers. Indeed, no market participant is required to purchase the Report, and the Exchange is not required to make the Report available to all investors. It is entirely a business decision of each Member to subscribe to the Report. The Exchange offers the Report as a convenience to Members to provide them with additional information regarding trading activity on the Exchange on a delayed basis after the close of regular trading hours. A Member that chooses to subscribe to the Report may discontinue receiving the Report at any time if that Member determines that the information contained in the Report is no longer useful.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange made the Report available in order to keep pace with changes in the industry and evolving customer needs and demands, and believes the data product will contribute to robust competition among national securities exchanges. As a result, the Exchange believes this proposed rule change permits fair competition among national securities exchanges.

The Exchange also does not believe the proposed fees would cause any unnecessary or inappropriate burden on intermarket competition as other

exchanges are free to introduce their own comparable data product with lower prices to better compete with the Exchange's offering. The Exchange operates in a highly competitive environment, and its ability to price the Report is constrained by competition among exchanges who choose to adopt a similar product. The Exchange must consider this in its pricing discipline in order to compete for the market data. For example, proposing fees that are excessively higher than fees for potentially similar data products would simply serve to reduce demand for the Exchange's data product, which as discussed, market participants are under no obligation to utilize. In this competitive environment, potential purchasers are free to choose which, if any, similar product to purchase to satisfy their need for market information. As a result, the Exchange believes this proposed rule change permits fair competition among national securities exchanges.

The Exchange does not believe the proposed rule change would cause any unnecessary or inappropriate burden on intramarket competition. Particularly, the proposed product and fees apply uniformly to any purchaser in that the Exchange does not differentiate between subscribers that purchase the Report. The proposed fees are set at a modest level that would allow any interested Member to purchase such data based on their business needs.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,²⁹ and Rule 19b-4(f)(2)³⁰ 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 shall institute proceedings to determine

whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-MIAX-2021-25 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-MIAX-2021-25. 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-MIAX-2021-25 and should be submitted on or before July 15, 2021.

²⁸ See *supra* note 26.

²⁹ 15 U.S.C. 78s(b)(3)(A)(ii).

³⁰ 17 CFR 240.19b-4(f)(2).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.³¹

J. Matthew DeLesDernier,
Assistant Secretary.

[FR Doc. 2021-13248 Filed 6-23-21; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-92169; File No. SR-CBOE-2021-038]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fees Schedule Relating to the Sale of Historical Intraday Open-Close Volume Data

June 14, 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 1, 2021, Cboe Exchange, Inc. (the “Exchange” or “Cboe Options”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

Cboe Exchange, Inc. (the “Exchange” or “Cboe Options”) proposes to amend its Fees Schedule relating to the sale of historical Intraday Open-Close volume data. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange’s website (<http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx>), at the Exchange’s Office of the Secretary, and at the Commission’s Public Reference Room.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these

statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fees Schedule to offer a free trial during the months of June and July 2021 for an ad-hoc request of three (3) historical months of Intraday Open-Close historical data to all Cboe Options Trading Permit Holders (“TPHs”) and non-TPHs who have never before subscribed to the Intraday Open-Close historical files.

By way of background, the Exchange historically offered Open-Close Data, which is an end-of-day volume summary of trading activity on the Exchange at the option level by origin (customer, professional customer, broker-dealer, and market maker), side of the market (buy or sell), price, and transaction type (opening or closing). The customer and professional customer volume is further broken down into trade size buckets (less than 100 contracts, 100–199 contracts, greater than 199 contracts). The Open-Close Data is proprietary Cboe Options trade data and does not include trade data from any other exchange. It is also a historical data product and not a real-time data feed. The recently adopted Intraday Open-Close Data provides similar information to that of Open-Close Data but is produced and updated every 10 minutes during the trading day. Data is captured in “snapshots” taken every 10 minutes throughout the trading day and is available to subscribers within five minutes of the conclusion of each 10-minute period.³ The Intraday Open-Close Data provides a volume summary of trading activity on the Exchange at the option level by origin (customer, professional customer, broker-dealer, and market maker), side of the market (buy or sell), and transaction type (opening or closing). The customer and professional customer volume are further broken down into

³ For example, subscribers to the intraday product will receive the first calculation of intraday data by approximately 9:42 a.m. ET, which represents data captured from 9:30 a.m. to 9:40 a.m. Subscribers will receive the next update at 9:52 a.m., representing the data previously provided together with data captured from 9:40 a.m. through 9:50 a.m., and so forth. Each update will represent the aggregate data captured from the current “snapshot” and all previous “snapshots.”

trade size buckets (less than 100 contracts, 100–199 contracts, greater than 199 contracts). The Intraday Open-Close Data is also proprietary Cboe Options trade data and does not include trade data from any other exchange.

Cboe LiveVol, LLC (“LiveVol”), a wholly owned subsidiary of the Exchange’s parent company, Cboe Global Markets, Inc., makes the Intraday Open-Close Data available for purchase to TPHs and non-TPHs on the LiveVol DataShop website (datashop.cboe.com). Customers may currently purchase Intraday Open-Close Data on a subscription basis (monthly or annually) or by ad hoc request for a specified month (e.g., request for Intraday Open-Close Data for month of January 2021). The Exchange seeks only to adopt a free trial for historical ad hoc requests for Intraday Open-Close Data for new purchasers. Currently, ad hoc requests for historical Intraday Open-Close Data are available to all customers at the same price and in the same manner. The current charge for this historical Intraday Open-Close Data covering all of the Exchange’s securities (Equities, Indexes & ETF’s) is \$1,000 per month. The Exchange now proposes to adopt a free trial available during the months of June and July 2021 to provide up to three (3) historical months of Intraday Open-Close Data to any TPH or non-TPH that has not previously subscribed to this offering.⁴ The Exchange believes the proposed trial will serve as an incentive for new users to start purchasing Intraday Open-Close historical data. Particularly, the Exchange believes it will give potential subscribers the ability to use and test the data offering before signing up for additional months. The Exchange also notes another exchange offers a free trial for new subscribers of a similar data product.⁵ Lastly, the purchase of Intraday Open-Close historical data is discretionary and not compulsory.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with

⁴ For example, if a TPH or non-TPH that has never made an ad-hoc request for a specified month of Intraday Open-Close historical data wishes to purchase Intraday Open-Close Data for the months of January, February and March 2021 during the month of June 2021, the historical files for those months would be provided free of charge. If a new user wishes to purchase Intraday Open-Close historical data for the months of January, February, March and April 2021 during the month of June 2021, then the data for January, February and March 2021 would be provided free of charge, and the new user would be charged \$1,000 for the April 2021 historical file.

⁵ See Nasdaq ISE, Options 7 Pricing Schedule, Section 10A., Nasdaq ISE Open/Close Trade Profile End of Day.

³¹ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

the objectives of Section 6 of the Act,⁶ in general, and furthers the objectives of Section 6(b)(4),⁷ 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)⁸ 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. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)⁹ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes that the proposed free trial for any TPH or non-TPH who has not previously purchased Intraday Open-Close historical data is reasonable because such users would not be subject to fees for up to 3 months' worth of Intraday Open-Close historical data. The Exchange believes the proposed free trial is also reasonable as it will give potential subscribers the ability to use and test the Intraday Open-Close historical data prior to purchasing additional months and will therefore encourage and promote new users to purchase the Intraday Open-Close historical data. The Exchange believes that the proposed discount is equitable and not unfairly discriminatory because it will apply equally to all TPHs and non-TPHs who have not previously purchased Intraday Open-Close historical data. Lastly, as noted above, another exchange offers a free trial to new users for a similar data product¹⁰ and purchase of this data product is discretionary and not compulsory.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed rule change will apply to all TPHs and non-TPHs who have never made an ad-hoc request to purchase Intraday Open-Close historical data. Moreover, purchase of Intraday Open-Close historical files is discretionary and not compulsory.

The Exchange does not believe that the proposed rule changes will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed change applies only to Cboe Options. Furthermore, another exchange currently offers a similar free trial to new users of a similar data product.¹¹

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 is effective upon filing pursuant to Section 19(b)(3)(A)¹² of the Act and subparagraph (f)(2) of Rule 19b-4¹³ 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)¹⁴ 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-CBOE-2021-038 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to File Number SR-CBOE-2021-038. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-CBOE-2021-038 and should be submitted on or before July 15, 2021.

⁶ 15 U.S.C. 78f.

⁷ 15 U.S.C. 78f(b)(4).

⁸ 15 U.S.C. 78f(b)(5).

⁹ *Id.*

¹⁰ See Nasdaq ISE, Options 7 Pricing Schedule, Section 10A., Nasdaq ISE Open/Close Trade Profile End of Day.

¹¹ See Nasdaq ISE, Options 7 Pricing Schedule, Section 10A., Nasdaq ISE Open/Close Trade Profile End of Day.

¹² 15 U.S.C. 78s(b)(3)(A).

¹³ 17 CFR 240.19b-4(f)(2).

¹⁴ 15 U.S.C. 78s(b)(2)(B).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁵

J. Matthew DeLesDernier,
Assistant Secretary.

[FR Doc. 2021-13283 Filed 6-23-21; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-92207; File Nos. SR-BX-2021-018; SR-C2-2021-008; SR-CBOE-2021-030; SR-CboeBYX-2021-011; SR-CboeBZX-2021-034; SR-CboeEDGA-2021-010; SR-CboeEDGX-2021-024; SR-GEMX-2021-03; SR-ISE-2021-08; SR-MRX-2021-05; SR-NASDAQ-2021-029; SR-PHLX-2021-25]

Self-Regulatory Organizations; Cboe BYX Exchange, Inc.; Cboe BZX Exchange, Inc.; Cboe C2 Exchange, Inc.; Cboe EDGA Exchange, Inc.; Cboe EDGX Exchange, Inc.; Cboe Exchange, Inc.; NASDAQ BX, Inc.; Nasdaq GEMX, LLC; Nasdaq ISE, LLC; Nasdaq MRX, LLC; NASDAQ PHLX LLC and The NASDAQ Stock Market LLC; Suspension of and Order Instituting Proceedings To Determine Whether To Approve or Disapprove Proposed Rule Changes To Adopt a Fee Schedule To Establish Fees for Industry Members Related to the National Market System Plan Governing the Consolidated Audit Trail

June 17, 2021.

I. Introduction

On April 21, 2021, Cboe BYX Exchange, Inc. (“CboeBYX”), Cboe BZX Exchange, Inc. (“CboeBZX”), Cboe C2 Exchange, Inc. (“C2”), Cboe EDGA Exchange, Inc. (“Cboe EDGA”), Cboe EDGX Exchange, Inc. (“Cboe EDGX”), Cboe Exchange, Inc. (“Cboe”), NASDAQ BX, Inc. (“BX”), Nasdaq GEMX, LLC (“GEMX”), Nasdaq ISE, LLC (“ISE”), Nasdaq MRX, LLC (“MRX”), NASDAQ PHLX LLC (“Phlx”), The NASDAQ Stock Market LLC (“Nasdaq”) (collectively, the “Nasdaq and Cboe Participants”) 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 proposed rule changes³ to

adopt a fee schedule to establish fees for Industry Members⁴ related to the National Market System Plan Governing the Consolidated Audit Trail (“CAT NMS Plan” or “Plan”).⁵ The proposed rule changes were immediately effective upon filing with the Commission pursuant to Section 19(b)(3)(A) of the Act.⁶ The proposed rule changes were published for comment in the **Federal Register** on May 10, 2021.⁷ The Commission has received no comments on the proposed rule changes.

Pursuant to Section 19(b)(3)(C) of the Act, the Commission is hereby: (1) Temporarily suspending the proposed rule changes; and (2) instituting proceedings to determine whether to approve or disapprove the proposals.

II. Summary of the Proposed Rule Changes⁸

In July 2012, the Commission adopted Rule 613 of Regulation NMS, which required national securities exchanges and national securities associations (“Participants”)⁹ to jointly develop and

91755 (May 4, 2021), 86 FR 25035 (May 10, 2021) (SR-ISE-2021-08); 91756 (May 4, 2021), 86 FR 24979 (May 10, 2021) (SR-GEMX-2021-03); 91757 (May 4, 2021), 86 FR 24911 (May 10, 2021) (SR-C2-2021-008); 91758 (May 4, 2021), 86 FR 25004 (May 10, 2021) (SR-CboeEDGX-2021-024); 91759 (May 4, 2021), 86 FR 24956 (May 10, 2021) (SR-CboeEDGA-2021-010); 91760 (May 4, 2021), 86 FR 24966 (May 10, 2021) (SR-CBOE-2021-030); 91761 (May 4, 2021), 86 FR 25016 (May 10, 2021) (SR-CboeBYX-2021-011); and 91762 (May 4, 2021), 86 FR 24931 (May 10, 2021) (SR-CboeBZX-2021-034).

⁴ The CAT NMS Plan defines “Industry Member” as “a member of a national securities exchange or a member of a national securities association.” See CAT NMS Plan, *infra* note 5, at Section 1.1.

⁵ The CAT NMS Plan is a national market system plan approved by the Commission pursuant to Section 11A of the Act and the rules and regulations thereunder. See Securities Exchange Act Release No. 79318 (November 15, 2016), 81 FR 84696 (November 23, 2016). The CAT NMS Plan functions as the limited liability company agreement of the jointly owned limited liability company formed under Delaware state law through which the Participants conduct the activities of the CAT (“Company”). On August 29, 2019, the Participants replaced the CAT NMS Plan in its entirety with the limited liability company agreement of a new limited liability company named Consolidated Audit Trail, LLC, which became the Company. See Securities Exchange Act Release No. 87149 (September 27, 2019), 84 FR 52905 (October 3, 2019).

⁶ 15 U.S.C. 78s(b)(3)(A). A proposed rule change may take effect upon filing with the Commission if it is designated by the exchange as “establishing or changing a due, fee, or other charge imposed by the self-regulatory organization on any person, whether or not the person is a member of the self-regulatory organization.” 15 U.S.C. 78s(b)(3)(A)(ii).

⁷ See *supra* note 3.

⁸ For a more detailed description of the proposed rule changes, see Notice, *supra* note 3.

⁹ The Participants include BOX Exchange LLC, Cboe BYX Exchange, Inc., Cboe BZX Exchange, Inc., Cboe C2 Exchange, Inc., Cboe EDGA Exchange, Inc., Cboe EDGX Exchange, Inc., Cboe Exchange, Inc., Financial Industry Regulatory Authority, Inc., Investors’ Exchange LLC, Long-Term Stock

submit to the Commission a national market system plan (“NMS plan”) to create, implement, and maintain a consolidated audit trail (“CAT”)¹⁰ that would capture customer and order event information for orders in NMS securities. On November 15, 2016, the Commission approved the CAT NMS Plan required by Rule 613.¹¹ Under the CAT NMS Plan, the Operating Committee of a newly formed company—CAT NMS, LLC, of which each Participant is a member—has the discretion (subject to the funding principles set forth in the CAT NMS Plan) to establish funding for the Company to operate the CAT, including establishing fees to be paid by the Participants and Industry Members.¹²

The Plan specified that, in establishing the funding of the Company, the Operating Committee shall establish “a tiered fee structure in which the fees charged to: (i) CAT Reporters that are Execution Venues, including ATSS, are based upon the level of market share; (ii) Industry Members’ non-ATS activities are based upon message traffic; and (iii) the CAT Reporters with the most CAT-related activity (measured by market share and/or message traffic, as applicable) are generally comparable (where, for these comparability purposes, the tiered fee structure takes into consideration affiliations between or among CAT Reporters, whether Execution Venues and/or Industry Members).”¹³ Under the Plan, such fees are to be implemented in accordance with various funding principles, including an “allocation of the Company’s related costs among Participants and Industry Members that is consistent with the Exchange Act taking into account . . . distinctions in the securities trading operations of Participants and Industry Members and their relative impact upon the Company resources and operations” and the “avoid[ance of] any disincentives such as placing an inappropriate burden on competition and reduction in market quality.”¹⁴

Exchange, Inc., MEMX LLC, Miami International Securities Exchange LLC, MIAIX Emerald, LLC, MIAIX PEARL, LLC, Nasdaq BX, Inc., Nasdaq GEMX, LLC, Nasdaq ISE, LLC, Nasdaq MRX, LLC, Nasdaq PHLX LLC, The Nasdaq Stock Market LLC, New York Stock Exchange LLC, NYSE American LLC, NYSE Arca, Inc., NYSE Chicago, Inc., and NYSE National, Inc.

¹⁰ See Securities Exchange Act Release No. 67457 (July 18, 2012), 77 FR 45722 (August 1, 2012).

¹¹ See *supra* note 5.

¹² See CAT NMS Plan, *supra* note 5, at Section 11.1(b).

¹³ *Id.* at Section 11.2(c). See Article XI of the CAT NMS Plan for additional detail. *Id.* at Article XI.

¹⁴ *Id.* at Section 11.2(b) and (e).

¹⁵ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release Nos. 91750 (May 4, 2021), 86 FR 25045 (May 10, 2021) (SR-BX-2021-018) (“Notice”); 91751 (May 4, 2021), 86 FR 24941 (May 10, 2021) (SR-PHLX-2021-25); 91752 (May 4, 2021), 86 FR 24921 (May 10, 2021) (SR-NASDAQ-2021-029); 91753 (May 4, 2021), 86 FR 24994 (May 10, 2021) (SR-MRX-2021-05);

On May 15, 2020, the Commission adopted amendments to the CAT NMS Plan designed to increase the Participants' financial accountability for the timely completion of the CAT ("Financial Accountability Amendments").¹⁵ The Financial Accountability Amendments added Section 11.6 to the CAT NMS Plan to govern the recovery from Industry Members of any fees, costs, and expenses (including legal and consulting fees, costs and expenses) incurred by or for the Company in connection with the development, implementation and operation of the CAT from June 22, 2020 until such time that the Participants have completed Full Implementation of CAT NMS Plan Requirements¹⁶ ("Post-Amendment Expenses"). Section 11.6 establishes target deadlines for four critical implementation milestones (Periods 1, 2, 3 and 4)¹⁷ and reduces the amount of fee recovery available to the Participants if these deadlines are missed.¹⁸

The Participants filed an amendment to the CAT NMS Plan on March 31, 2021 ("Proposed CAT Fee Plan Amendment") to implement a revised funding model ("Proposed Funding Model") and to establish the CAT fees to be charged to themselves.¹⁹ On April 21, 2021, the Proposed CAT Fee Plan Amendment was published for comment in the **Federal Register**.²⁰ The Commission has not acted on the

Proposed CAT Fee Plan Amendment. In the meantime, the Nasdaq and Cboe Participants submitted the proposed rule changes that are the subject of this Order²¹ to adopt a fee schedule to establish CAT fees applicable to their Industry Members in accordance with the Proposed CAT Fee Plan Amendment.²² In their filings, the Nasdaq and Cboe Participants stated that the fee schedule provisions will become operative upon the Commission's approval of the Proposed CAT Fee Plan Amendment.²³

A. Allocation of Total CAT Costs

Under the Proposed Funding Model, "Total CAT Costs" would include costs associated with developing, implementing and operating the CAT for the relevant period.²⁴ The Nasdaq and Cboe Participants propose to recover 75% of the Total CAT Costs from Industry Members ("Industry Member Allocation").²⁵ As detailed below, the proposed rule changes would recover the Total CAT Costs from Industry Members on a quarterly basis through four categories of CAT fees: A Historical CAT Assessment,²⁶ a Period 3 CAT Fee,²⁷ a Period 4 CAT Fee²⁸ and a Quarterly CAT Fee.²⁹ The Historical CAT Assessment would be designed to

recover certain CAT costs incurred prior to January 1, 2021 ("Historical CAT Assessment Costs").³⁰ Excluding certain costs,³¹ the Total CAT Costs for this period are \$193,273,342.³² Under the proposed rule changes, the Historical CAT Assessment would recover 75% of these costs from Industry Members (\$144,955,006).³³ As proposed, the Period 3 CAT Fee would recover from Industry Members 75% of the Total CAT Costs incurred from January 1, 2021 through December 31, 2021.³⁴ The Period 4 CAT Fee would recover 75% of Total CAT Costs incurred from January 1, 2022 through December 30, 2022.³⁵ Beginning in the second quarter of 2023, Industry Members would be assessed a Quarterly CAT Fee on an ongoing basis of 75% of the budgeted Total CAT Costs for the relevant year.³⁶ The proposed rule changes state that the budgeted Total CAT Costs would be set forth in the annual operating budget approved by the Operating Committee for the relevant year pursuant to Section 11.1(a) of the CAT NMS Plan.³⁷ The Total CAT Costs applicable to the Period 3 and 4 CAT Fees would be set forth in the year-end financial statements of the Company for 2021 and 2022, respectively.³⁸

¹⁵ See Securities Exchange Act Release No. 88890, 85 FR 31322 (May 22, 2020).

¹⁶ See CAT NMS Plan, *supra* note 5, at Section 11.1.

¹⁷ *Id.* at Section 11.6(a)(i).

¹⁸ *Id.* at Section 11.6(a)(ii) and (iii).

¹⁹ See Securities Exchange Act Release No. 91555 (April 14, 2021), 86 FR 21050 (April 21, 2021).

²⁰ *Id.*

²¹ Section 11.1(b) of the CAT NMS Plan requires the Participants to file with the Commission under Section 19(b) of the Act any CAT fees applicable to Industry Members that the Operating Committee approves. See CAT NMS Plan, *supra* note 5, at Section 11.1(b).

²² For additional details regarding these fees, see, e.g., Notice, *supra* note 3.

²³ *Id.* at 25045.

²⁴ *Id.* at 25045–6.

²⁵ *Id.* at 25046.

²⁶ See *infra* Section II.D.a.

²⁷ See *infra* Section II.D.b.

²⁸ See *infra* Section II.D.c.

²⁹ See *infra* Section II.D.d.

³⁰ See, e.g., Notice, *supra* note 3, at 25049.

³¹ Proposed CAT Fee Plan Amendment, *supra* note 19, at 21064.

³² See, e.g., Notice, *supra* note 3, at 25049.

³³ *Id.*

³⁴ *Id.* at 25050.

³⁵ *Id.* at 25051.

³⁶ *Id.* at 25052.

³⁷ The proposed rule changes state that the budgeted Total CAT Costs may be adjusted on a quarterly basis, and if the Operating Committee adjusts such costs within a year, the adjusted costs would be used in calculating the remaining CAT fees for that year. *Id.* at 25052.

³⁸ See, e.g., Notice, *supra* note 3, at 25050, 25051.

B. Message Traffic

Under the proposed rule changes, each Industry Member would pay a CAT fee calculated by multiplying its message traffic percentage of total Industry Member message traffic per quarter³⁹ by the Industry Member Allocation, subject to market maker discounts for message traffic, as applicable, as well as a minimum fee and a maximum fee.⁴⁰ Under the proposed rule changes, when calculating the message traffic of an Industry Member that is an Options Market Maker,⁴¹ its market making message traffic would be discounted by multiplying its Listed Options⁴² market making message traffic by the Listed Options trade-to-quote ratio.⁴³ The trade-to-quote ratio would be calculated each quarter based on the prior quarter's SIP Data⁴⁴ that is included in CAT Data.⁴⁵ The proposed discount would be calculated by dividing the adjusted trade count⁴⁶ by the total number of quotes received by the SIPs.⁴⁷

Under the proposed rule changes, when calculating the message traffic of an Industry Member that is an equity market maker in NMS Stocks ("Equity Market Maker"), its market making

message traffic would be discounted by multiplying its market making message traffic in NMS Stocks by the NMS Stock trade-to-quote ratio.⁴⁸ The trade-to-quote ratio would be calculated each quarter based on the prior quarter's SIP Data that is included in CAT Data.⁴⁹ The proposed discount would be calculated by dividing the adjusted trade count by the total number of quotes received by the SIPs.⁵⁰ The discounted message traffic of Options Market Makers and Equity Market Makers would be counted as part of total Industry Member message traffic.⁵¹

C. Minimum and Maximum Industry Member CAT Fee

Under the proposed rule changes, each Industry Member would be subject to a minimum Industry Member CAT fee of \$125 per quarter ("Minimum Industry Member CAT Fee").⁵² If an Industry Member's CAT fee would be less than \$125 per quarter, it would pay the Minimum Industry Member CAT Fee, even if it has not yet begun to report to the CAT.⁵³ If any Industry Member is required to pay the Minimum Industry Member CAT Fee, the total additional amount paid by all such Industry Members over the amount they otherwise would have paid as a result of their message traffic calculation would be discounted from all Industry Members other than those that were subject to a Minimum Industry Member CAT Fee in accordance with their message traffic percentage ("Minimum Industry Member CAT Fee Re-Allocation").⁵⁴

Under the proposed rule changes, each Industry Member's CAT fee would also be subject to a maximum Industry Member CAT fee, which would be the fee calculated based on 8% of the total Industry Member message traffic for the relevant quarter ("Maximum Industry Member CAT Fee").⁵⁵ If any Industry Member's fee is subject to the Maximum Industry Member CAT Fee, any excess

amount which the Industry Member would have paid as a fee above such Maximum Industry Member CAT Fee will be re-allocated among all Industry Members (including any Industry Members subject to the Maximum Industry Member CAT Fee and any Industry Members subject to the Minimum Industry Member CAT Fee) in accordance with their percentage of total message traffic ("Maximum Industry Member CAT Fee Re-Allocation").⁵⁶

D. Amount and Timing of Proposed CAT Fees

As discussed above, the proposed rule changes would recover the Total CAT Costs from Industry Members through the assessment of four categories of CAT fees on a quarterly basis: A Historical CAT Assessment, a Period 3 CAT Fee, a Period 4 CAT Fee and a Quarterly CAT Fee.

a. Historical CAT Assessment

The proposed rule changes state that, for four calendar quarters commencing "in the first quarter after SEC approval of the Historical CAT Assessment, based on CAT Data from the quarter in which the SEC approved the CAT fees,"⁵⁷ each Industry Member would pay a Historical CAT Assessment which would be the greater of: (1) The Minimum Industry Member CAT Fee (plus any applicable Maximum Industry Member CAT Fee Re-Allocation); or (2) the amount calculated by multiplying the percentage of the Industry Member's message traffic of the total Industry Member message traffic based on the prior quarter's message traffic by \$36,238,752⁵⁸ (subject to the proposed market maker discounts for message traffic, as applicable, as well as the Maximum Industry Member CAT Fee, Maximum Industry Member CAT Fee Re-Allocation and Minimum Industry Member CAT Fee Re-Allocation).⁵⁹

As discussed above, the proposed Historical CAT Assessment is intended to recover the Historical CAT Assessment Costs, which comprise certain CAT costs incurred prior to January 1, 2021.⁶⁰ These costs would include costs incurred through June 22, 2020, the effective date of Section 11.6 of the CAT NMS Plan, and costs related to Post-Amendment Expenses incurred during Period 1 (June 22, 2020 through July 31, 2020, the date of Initial Industry

³⁹ The proposed rule changes state that message traffic would be calculated based on Industry Members' Reportable Events reported to the CAT, as defined in the CAT Reporting Technical Specifications for Industry Members. Reportable Events that would be counted as message traffic would include the New Order Event, the Order Route Event and the Trade Event. Message traffic would not include reporting activity related to Customer information as set forth in the CAT Reporting Customer and Account Technical Specifications for Industry Members. *Id.* at 25047.

⁴⁰ See *infra* Section II.C.

⁴¹ The CAT NMS Plan defines "Options Market Maker" as "a broker-dealer registered with an exchange for the purpose of making markets in options contracts traded on the exchange." See CAT NMS Plan, *supra* note 5, at Section 1.1.

⁴² The CAT NMS Plan states that "Listed Option" has the meaning set forth in Regulation NMS. *Id.* Rule 600(b)(43) of Regulation NMS defines "Listed Option" as "any option traded on a registered national securities exchange or automated facility of a national securities association." See 17 CFR 242.600(b)(43).

⁴³ See, e.g., BX Proposed Rule General 7A(g)(1).

⁴⁴ See, e.g., Notice, *supra* note 3, at 25047. See also CAT NMS Plan, *supra* note 5, at Section 1.1., Section 6.5(a)(ii).

⁴⁵ See, e.g., Notice, *supra* note 3, at 25047. See also CAT NMS Plan, *supra* note 5, at Section 1.1.

⁴⁶ The proposed rule changes describe the adjusted trade count as "the total number of trades for the quarter minus the total number of trade busts." See, e.g., Notice, *supra* note 3, at 25047.

⁴⁷ For each Options Market Maker, the discount would apply to "(1) all message traffic reported to the CAT by the Options Market Maker related to an order originated by a market maker in its market making account for a security in which it is registered . . . and (2) all message traffic for which a 'quote sent time' is reported by an Options Exchange on behalf of the given Options Market Maker." *Id.*

⁴⁸ See, e.g., BX Proposed Rule General 7A(g)(2).

⁴⁹ See, e.g., Notice, *supra* note 3, at 25048.

⁵⁰ *Id.* See also *supra* note 46.

⁵¹ See, e.g., Notice, *supra* note 3, at 25047.

⁵² *Id.* at 25048; see, e.g., BX Proposed Rule General 7A(h)(1).

⁵³ See, e.g., Notice, *supra* note 3, at 25048.

⁵⁴ See, e.g., BX Proposed Rule General 7A(h)(2). Options Market Makers and Equity Market Makers would be required to pay the Minimum Industry Member CAT Fee if their quarterly CAT fee calculated with the market maker discounts is less than \$125 per quarter. See, e.g., Notice, *supra* note 3, at 25048, n.32.

⁵⁵ *Id.* at 25048. The Commission notes that the proposed rule text states "[t]he Maximum Industry Member CAT Fee for each quarter is 8% of the total CAT costs for the relevant quarter" (emphasis added). See, e.g., BX Proposed Rule General 7A(f)(1).

⁵⁶ See, e.g., BX Proposed Rule General 7A(f)(2).

⁵⁷ See, e.g., Notice, *supra* note 3, at 25049.

⁵⁸ The Commission notes that \$36,238,752 is one-quarter of the \$144,955,006 Historical CAT Assessment Costs. See *supra* Section II.A.

⁵⁹ See, e.g., BX Proposed Rule General 7A(b).

⁶⁰ See *supra* Section II.A.

Member Core Equity and Options Reporting⁶¹) and during Period 2 (August 1, 2020 through December 31, 2020, the date of the Full Implementation of Core Equity Reporting⁶²).⁶³ The Historical CAT Assessment Costs would include fees, costs and expenses incurred by or for the Company in connection with the development, implementation and operation of the CAT during Periods 1 and 2.⁶⁴

b. Period 3 CAT Fee

Under the proposed rule changes, for four quarters commencing in the second quarter of 2022, each Industry Member would pay a Period 3 CAT Fee which would be the greater of: (1) The Minimum Industry Member CAT Fee (plus any applicable Maximum Industry Member CAT Fee Re-Allocation); or (2) the amount calculated by multiplying the percentage of the Industry Member's message traffic of the total Industry Member message traffic based on the prior quarter's message traffic by 1/4 of 75% of the Period 3 Total CAT Costs⁶⁵ (subject to the proposed market maker message traffic discounts, as applicable, as well as the Maximum Industry Member CAT Fee, Maximum Industry Member CAT Fee Re-Allocation and Minimum Industry Member CAT Fee Re-Allocation).⁶⁶

According to the Nasdaq and Cboe Participants, the proposed Period 3 CAT Fee is intended to recover a percentage of the Total CAT Costs incurred from January 1, 2021 through December 31, 2021.⁶⁷ The Period 3 CAT Costs would be related to Post-Amendment Expenses⁶⁸ and would include fees, costs and expenses incurred by or for the Company in connection with the development, implementation and operation of the CAT during Period 3.⁶⁹ The Period 3 CAT Costs would be calculated at the end of 2021 and would be set forth in the 2021 financial statements for the Company.⁷⁰ Through a CAT alert after the end of 2021, the Operating Committee would announce the Total CAT Costs for 2021 to be used to calculate the Period 3 CAT Fees.⁷¹

⁶¹ See CAT NMS Plan, *supra* note 5, at Section 1.1.

⁶² *Id.*

⁶³ See, e.g., Notice, *supra* note 3, at 25049, 25050.

⁶⁴ *Id.*

⁶⁵ The Period 3 CAT Costs would be the Total CAT Costs incurred from January 1, 2021 through December 31, 2021. *Id.* at 25050.

⁶⁶ See, e.g., BX Proposed Rule General 7A(c).

⁶⁷ See, e.g., Notice, *supra* note 3, at 25050.

⁶⁸ *Id.* at 25051.

⁶⁹ *Id.*

⁷⁰ *Id.* at 25050. The proposed rule changes state that the Period 3 CAT Costs will be the total actual CAT costs incurred for the CAT for 2021 as set forth

Industry Members would be required to commence paying the Period 3 CAT Fee in the second quarter of 2022, based on CAT Data from the first quarter of 2022.⁷²

The proposed rule changes state that collection of the full amount of the Period 3 CAT Fee will depend upon achievement of Full Availability and Regulatory Utilization of Transaction Database Functionality⁷³ by December 31, 2021.⁷⁴ If such achievement is not met, the amount of the Period 3 CAT Fee that may be recovered from Industry Members will depend upon the fee limitations in Section 11.6(a)(ii) of the CAT NMS Plan, as established by the Financial Accountability Amendments.⁷⁵

c. Period 4 CAT Fee

Under the proposed rule changes, for four quarters commencing in the second quarter of 2023, each Industry Member shall pay a Period 4 CAT Fee which shall be the greater of: (1) The Minimum Industry Member CAT Fee (plus any applicable Maximum Industry Member CAT Fee Re-Allocation); or (2) the amount calculated by multiplying the percentage of the Industry Member's message traffic of the total Industry Member message traffic based on the prior quarter's message traffic by 1/4 of 75% of the Period 4 Total CAT Costs⁷⁶ (subject to the proposed market maker message traffic discounts, as applicable, as well as the Maximum Industry Member CAT Fee, Maximum Industry Member CAT Fee Re-Allocation and Minimum Industry Member CAT Fee Re-Allocation).⁷⁷

According to the Nasdaq and Cboe Participants, the proposed Period 4 CAT Fee is intended to recover a percentage of the Total CAT Costs incurred from January 1, 2022 through December 30, 2022 (the date of Full Implementation of CAT NMS Plan Requirements).⁷⁸ The Period 4 CAT Costs would recover costs related to Post-Amendment Expenses⁷⁹ and would include fees, costs and expenses incurred by or for the Company in connection with the development, implementation and operation of the CAT during Period 4.⁸⁰

⁷⁰ *Id.* at 25050. The proposed rule changes state that the Period 3 CAT Costs will be the total actual CAT costs incurred for the CAT for 2021 as set forth in the year-end financial statements of the Company for 2021. *Id.*

⁷¹ *Id.*

⁷² See, e.g., Notice, *supra* note 3, at 25050.

⁷³ See CAT NMS Plan, *supra* note 5, at Section 1.1.

⁷⁴ See, e.g., Notice, *supra* note 3, at 25051.

⁷⁵ *Id.* See also *supra* note 15.

⁷⁶ The Period 4 CAT Costs would be the Total CAT Costs incurred from January 1, 2022 through December 30, 2022. See, e.g., Notice, *supra* note 3, at 25050.

The Period 4 CAT Costs would be calculated at the end of 2022 and will be set forth in the 2022 financial statements for the Company.⁸¹ Through a CAT alert after the end of 2022, the Operating Committee would announce the Total CAT Costs for 2022 to be used to calculate the Period 4 CAT Fees.⁸²

The proposed rule changes state that collection of the full amount of the Period 4 CAT Fee will depend upon achievement of Full Implementation of CAT NMS Plan Requirements by December 30, 2022.⁸³ If such achievement is not met, the amount of the Period 4 CAT Fee that may be recovered from Industry Members will depend upon the fee limitations in Section 11.6(a)(ii) of the CAT NMS Plan, as established by the Financial Accountability Amendments.⁸⁴

d. Quarterly CAT Fee

Under the proposed rule changes, on an ongoing basis commencing in the second quarter of 2023, each Industry Member would pay a Quarterly CAT Fee which would be the greater of: (1) The Minimum Industry Member CAT Fee (plus any applicable Maximum Industry Member CAT Fee Re-Allocation); or (2) the amount calculated by multiplying the percentage of the Industry Member's message traffic of the total Industry Member message traffic based on the prior quarter's message traffic by 1/4 of 75% of the budgeted Total CAT Costs⁸⁵ (subject to the proposed market maker message traffic discounts, as applicable, as well as the Maximum Industry Member CAT Fee, Maximum Industry Member CAT Fee Re-Allocation and Minimum Industry Member CAT Fee Re-Allocation).⁸⁶

According to the Nasdaq and Cboe Participants, the proposed Quarterly CAT Fee is intended to recover estimated Total CAT Costs budgeted for an upcoming year.⁸⁷ The budgeted Total CAT Costs would include Plan Processor costs, insurance costs, third-party support costs and an operational

⁸¹ *Id.* at 25051. The proposed rule changes state that the Period 4 CAT Costs will be the total actual CAT costs incurred for the CAT in 2022 as set forth in the year-end financial statements of the Company for 2022. *Id.*

⁸² *Id.*

⁸³ See, e.g., Notice, *supra* note 3, at 25052.

⁸⁴ *Id.* at 25051. See also *supra* note 15.

⁸⁵ The proposed rule changes state that the budgeted Total CAT Costs for the relevant year would be the total CAT costs set forth in the annual operating budget approved by the Operating Committee pursuant to Section 11.1(a) of the CAT NMS Plan for the relevant year. See, e.g., Notice, *supra* note 3, at 25052.

⁸⁶ See, e.g., BX Proposed Rule General 7A(a).

⁸⁷ See, e.g., Notice, *supra* note 3, at 25052.

reserve.⁸⁸ The Operating Committee may adjust the budgeted Total CAT Costs on a quarterly basis for the prudent operation of the Company, in which case, the adjusted budgeted costs for the CAT would be used to calculate the remaining CAT fees for that year.⁸⁹ Through a CAT alert at the beginning of the relevant year, the Operating Committee would announce the budgeted Total CAT Costs to be used to calculate the Quarterly CAT Fee for the year.⁹⁰

e. Multiple Payments

According to the proposed rule changes, to the extent that any two or more of the four categories of Industry Member CAT fees are due during the same quarter, any Industry Member that is obligated to pay one or more categories of fees would be required to pay each category of fee for that quarter.⁹¹ The proposed rule changes explain, “[f]or example, if an Industry Member would be subject to the Minimum Industry Member CAT Fee for the Period 4 CAT Fee and the Minimum Industry Member CAT Fee for the Quarterly CAT Fee during the same quarter, the Industry Member would be required to pay two minimum \$125 fees that quarter for a total of \$250. As another example, suppose that an Industry Member owed a CAT fee (other than the minimum fee of \$125) for both the Historical CAT Assessment and the Period 3 CAT Fee, the Industry Member would be required to pay both fees that quarter.”⁹²

f. Timing and Manner of Payment

Under the proposed rule changes, the Company would provide one invoice to each Industry Member per payment period for the Historical CAT Assessment, Period 3 CAT Fee, Period 4 CAT Fee and Quarterly CAT Fee.⁹³ An Industry Member that is a member of multiple self-regulatory organizations would only receive one invoice from the Company per payment period.⁹⁴

Industry Members would pay their CAT fees to the Company through a centralized system.⁹⁵ Payment of CAT fees would be due within 30 days after receipt of an invoice, unless a longer period is indicated.⁹⁶ If an Industry Member’s payment is late, the Industry Member would pay interest on the

outstanding balance from the due date until such fee is paid at a per annum rate equal to the lesser of (i) the Prime Rate plus 300 basis points, or (ii) the maximum rate permitted by applicable law.⁹⁷

III. Suspension of the Proposed Rule Changes

Pursuant to Section 19(b)(3)(C) of the Act,⁹⁸ at any time within 60 days of the date of filing of an immediately effective proposed rule change in accordance with Section 19(b)(1) of the Act,⁹⁹ the Commission summarily may temporarily suspend the change in the rules of a self-regulatory organization (“SRO”) made thereby 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. The Commission believes a temporary suspension of the proposed rule changes is warranted here.

As Participants of the CAT NMS Plan, the Nasdaq and Cboe Participants are subject to Rule 608 of Regulation NMS under the Act,¹⁰⁰ which governs the filing and amendment of NMS plans. Rule 608(c) of Regulation NMS¹⁰¹ requires each SRO that is a sponsor or participant of an effective NMS plan to comply with the terms of the plan. In temporarily suspending the proposed rule changes, the Commission intends to consider whether, among other things, the following aspects of the proposed rule changes are consistent with the CAT NMS Plan, and, consequently, Rule 608(c) of Regulation NMS:

Alternative Trading Systems: The proposed rule changes include all alternative trading system (“ATS”) message traffic in calculating Industry Member CAT fees. The Commission is considering whether the proposed rule changes are consistent with Section 11.3(b) of the Plan, which requires the Operating Committee to establish fixed fees to be payable by Industry Members, that include message traffic generated by: (i) An ATS that does not execute orders that is sponsored by an Industry Member; and (ii) routing orders to and from any ATS sponsored by an Industry Member.¹⁰² In addition, the Commission is considering whether the proposed rule changes are consistent with Section 11.2(c) of the CAT NMS Plan, which requires the Operating

Committee to establish a tiered fee structure whereby Industry Members are charged fees based on message traffic for non-ATS activities.¹⁰³

Tiered Fixed Fees: Under the proposed rule changes, Industry Member CAT fees would be calculated based on an Industry Member’s percentage of total Industry Member message traffic without any tiering (subject to the proposed market maker message traffic discounts, as applicable, as well as the Maximum Industry Member CAT Fee, the Maximum Industry Member CAT Fee Re-Allocation and the Minimum Industry Member CAT Fee Re-Allocation). The Commission is considering whether the proposed rule changes are consistent with Section 11.3(b) of the CAT NMS Plan, which requires the Operating Committee to establish at least five, but no more than nine, tiers of fixed fees to be payable by Industry Members,¹⁰⁴ and Section 11.1(d) of the Plan, which requires the Operating Committee to adopt policies, procedures, and practices regarding the assignment of tiers.¹⁰⁵

Comparability: The proposed rule changes do not require that CAT fees for Industry Members and Participants with the most CAT-related activity be generally comparable. The Commission is considering whether the proposed rule changes are consistent with Section 11.2(c) of the CAT NMS Plan, which requires the tiered fee structure to charge fees whereby “CAT Reporters with the most CAT-related activity (measured by market share and/or message traffic, as applicable) are generally comparable (where, for these comparability purposes, the tiered fee structure takes into consideration affiliations between or among CAT Reporters, whether Execution Venues and/or Industry Members).”¹⁰⁶

Minimum and Maximum Industry Member CAT Fees and Market Maker Discounts: In calculating an Industry Member’s CAT fee, the proposed rule changes would require the application of the Minimum Industry Member CAT Fee, Minimum Industry Member CAT Fee Allocation, Maximum Industry Member CAT Fee, Maximum Industry Member CAT Fee Allocation, and, as applicable, discounts on the message traffic of Options Market Makers and Equity Market Makers. The Commission is considering whether the proposed rule changes are consistent with Section 11.3(b) of the CAT NMS Plan, which

⁸⁸ *Id.*

⁸⁹ *Id.*

⁹⁰ *Id.*

⁹¹ *Id.* at n.44.

⁹² *Id.*

⁹³ *See, e.g.,* Notice, *supra* note 3, at 25053.

⁹⁴ *Id.*

⁹⁵ *Id.*

⁹⁶ *Id.*

⁹⁷ *Id.*

⁹⁸ 15 U.S.C. 78s(b)(3)(C).

⁹⁹ 15 U.S.C. 78s(b)(1).

¹⁰⁰ 17 CFR 242.608.

¹⁰¹ 17 CFR 242.608(c).

¹⁰² *See* CAT NMS Plan, *supra* note 5, at Section 11.3(b).

¹⁰³ *Id.* at Section 11.2(c).

¹⁰⁴ *Id.* at Section 11.3(b).

¹⁰⁵ *Id.* at Section 11.1(d).

¹⁰⁶ *Id.* at Section 11.2(c).

requires the Operating Committee to establish fixed fees to be payable by Industry Members, based on the message traffic generated by such Industry Member, subject to tiering.¹⁰⁷

Financial Accountability Milestones: In describing the costs to be recovered by the Historical CAT Assessment, the proposed rule changes refer to “certain costs from Period 1 of the Financial Accountability Milestones (which covered the period from June 22, 2020–July 31, 2020 and certain costs from Period 2 of the Financial Accountability Milestones (which covered the period from August 1, 2020–December 31, 2020).”¹⁰⁸ For the Period 3 CAT Fee, the proposed rule changes refer to “Total CAT Costs incurred from January 1, 2021 through December 31, 2021.”¹⁰⁹ For the Period 4 CAT Fee, the proposed rule changes refer to “Total CAT Costs incurred from January 1, 2022 through December 30, 2022.”¹¹⁰

Section 11.6 of the CAT NMS Plan provides that the Participants may recover from Industry Members Post-Amendment Expenses¹¹¹ over four Periods: Period 1, Period 2, Period 3 and Period 4. Section 11.6(a) sets target deadlines for each Period and establishes a fee reduction schedule if those target deadlines are missed.¹¹² The target dates for Period 1, Period 2, Period 3 and Period 4 are July 31, 2020, December 31, 2020, December 31, 2021 and December 30, 2022, respectively.¹¹³ To enable the Commission to determine whether the fee reduction provisions should be applied to fees associated with a specific Period,¹¹⁴ Section 11.6(b) further requires that filings submitted by the Participants to the Commission under Section 19(b) of the Act, to establish or implement fees to recover Post-Amendment Expenses, must clearly indicate whether such fees are related to Post-Amendment Expenses incurred during Period 1, Period 2, Period 3, or Period 4.¹¹⁵ The Commission is considering whether the aspects of the proposed rule changes

related to the Financial Accountability Milestones are consistent with Section 11.6 of the CAT NMS Plan.¹¹⁶

IV. Proceedings To Determine Whether To Approve or Disapprove the Proposed Rule Changes

The Commission also hereby institutes proceedings pursuant to Sections 19(b)(3)(C)¹¹⁷ and 19(b)(2)(B) of the Act¹¹⁸ to determine whether the proposed rule changes should be approved or disapproved. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, as stated below, the Commission seeks and encourages interested persons to provide comment on the proposed rule change to inform the Commission’s analysis of whether to disapprove the proposed rule change.

Pursuant to Section 19(b)(2)(B) of the Act,¹¹⁹ the Commission is hereby providing notice of the grounds for disapproval under consideration. The Commission believes that instituting proceedings will allow for additional analysis of, and input from commenters with respect to, the proposed rule change’s consistency with Section 11A of the Act¹²⁰ and Rule 608(c) of Regulation NMS thereunder.¹²¹ Section 11A of the Act directs the Commission, with due regard for the public interest, the protection of investors, and the maintenance of fair and orderly markets, to use its authority to facilitate the establishment of a national market system for securities, including by authorizing or requiring SROs to act jointly to plan, develop, operate, or regulate an NMS plan. Rule 608(c) requires each SRO to comply with the terms of any effective NMS plan of which it is a sponsor or a participant. As discussed above, the Commission is considering whether the proposed rule changes are consistent with Section 11A of the Act¹²² and the rules and

regulations thereunder, including Rule 608(c).¹²³ The Commission also is considering whether the proposed rule changes are consistent with Sections 11.1(d), 11.2(c), 11.3(b) and 11.6 of the CAT NMS Plan.¹²⁴

V. Commission’s Solicitation of Comments

The Commission requests written views, data, and arguments with respect to the concerns identified above as well as any other relevant concerns. Such comments should be submitted by July 15, 2021. Rebuttal comments should be submitted by July 29, 2021. The Commission asks that commenters address the sufficiency and merit of the Participants’ statements in support of the proposal, which are set forth in the proposed rule changes,¹²⁵ in addition to any other comments they may wish to submit about the proposed rule changes.

Interested persons are invited to submit written data, views, and arguments concerning the proposed rule changes, including whether the proposed rule changes are 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 any of: File Nos. SR–BX–2021–018; SR–C2–2021–008; SR–CBOE–2021–030; SR–CboeBYX–2021–011; SR–CboeBZX–2021–034; SR–CboeEDGA–2021–010; SR–CboeEDGX–2021–024; SR–GEMX–2021–03; SR–ISE–2021–08; SR–MRX–2021–05; SR–NASDAQ–2021–029; or SR–PHLX–2021–25 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 any of: File Nos. SR–BX–2021–018; SR–C2–2021–008; SR–CBOE–2021–030; SR–CboeBYX–2021–011; SR–CboeBZX–2021–034; SR–CboeEDGA–2021–010; SR–CboeEDGX–2021–024; SR–GEMX–2021–03; SR–ISE–2021–08; SR–MRX–2021–05; SR–NASDAQ–2021–029; or SR–PHLX–2021–25 on the subject line. The file numbers should be included on the subject line if email is used. To help the Commission process and review

¹²³ See *supra* note 121.

¹²⁴ See CAT NMS Plan, *supra* note 5, at Sections 11.1(d), 11.2(c), 11.3(b) and 11.6.

¹²⁵ See, e.g., Notice, *supra* note 3.

¹⁰⁷ *Id.* at Section 11.3(b).

¹⁰⁸ See, e.g., Notice, *supra* note 3, at 25049.

¹⁰⁹ *Id.* at 25050.

¹¹⁰ *Id.* at 25051.

¹¹¹ See text accompanying notes 15–16.

¹¹² See CAT NMS Plan, *supra* note 5, at Section 11.6(a)

¹¹³ *Id.*

¹¹⁴ See Securities Exchange Act Release No. 86901 (September 9, 2019), 84 FR 48458, 48472 (“Requiring the Participants to specify whether any proposed fees are related to Post-Amendment Expenses, and the Period to which they are related, will help the Commission to determine whether it must consider the provisions of proposed Section 11.6 in evaluating the proposed fees.”).

¹¹⁵ See CAT NMS Plan, *supra* note 5, at Section 11.6(b).

¹¹⁶ *Id.* at Section 11.6.

¹¹⁷ 15 U.S.C. 78s(b)(3)(C). Once the Commission temporarily suspends a proposed rule change, Section 19(b)(3)(C) of the Act requires that the Commission institute proceedings under Section 19(b)(2)(B) to determine whether a proposed rule change should be approved or disapproved.

¹¹⁸ 15 U.S.C. 78s(b)(2)(B).

¹¹⁹ 15 U.S.C. 78s(b)(2)(B). Section 19(b)(2)(B) of the Act also provides that proceedings to determine whether to disapprove a proposed rule change must be concluded within 180 days of the date of publication of notice of the filing of the proposed rule change. See *id.* The time for conclusion of the proceedings may be extended for up to 60 days if the Commission finds good cause for such extension and publishes its reasons for so finding, or if the exchanges consent to the longer period. See *id.*

¹²⁰ 15 U.S.C. 78k–1.

¹²¹ 17 CFR 242.608(c).

¹²² See *supra* note 120.

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 changes that are filed with the Commission, and all written communications relating to the proposed rule changes between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Participants. 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 any of: File Nos. SR-BX-2021-018; SR-C2-2021-008; SR-CBOE-2021-030; SR-CboeBYX-2021-011; SR-CboeBZX-2021-034; SR-CboeEDGA-2021-010; SR-CboeEDGX-2021-024; SR-GEMX-2021-03; SR-ISE-2021-08; SR-MRX-2021-05; SR-NASDAQ-2021-029; or SR-PHLX-2021-25 and should be submitted on or before July 15, 2021. Rebuttal comments should be submitted by July 29, 2021.

VI. Conclusion

It is therefore ordered, pursuant to Section 19(b)(3)(C) of the Act,¹²⁶ that File Nos. SR-BX-2021-018; SR-C2-2021-008; SR-CBOE-2021-030; SR-CboeBYX-2021-011; SR-CboeBZX-2021-034; SR-CboeEDGA-2021-010; SR-CboeEDGX-2021-024; SR-GEMX-2021-03; SR-ISE-2021-08; SR-MRX-2021-05; SR-NASDAQ-2021-029; and SR-PHLX-2021-25 be and hereby are, temporarily suspended. In addition, the Commission is instituting proceedings to determine whether the proposed rule changes should be approved or disapproved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹²⁷

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021-13247 Filed 6-23-21; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 34301; File No. 812-15151]

First Eagle Alternative Capital BDC, Inc., et al.

June 15, 2021.

AGENCY: Securities and Exchange Commission ("Commission").

ACTION: Notice.

Notice of application for an order ("Order") under sections 17(d) and 57(i) of the Investment Company Act of 1940 (the "Act") and rule 17d-1 under the Act to permit certain joint transactions otherwise prohibited by sections 17(d) and 57(a)(4) of the Act and rule 17d-1 under the Act. The Order would supersede the prior order.¹

Summary of Application: Applicants request an order to permit certain business development companies ("BDCs") and closed-end management investment companies to co-invest in portfolio companies with each other and with certain affiliated investment funds and accounts.

Applicants: First Eagle Alternative Capital BDC, Inc. ("FCRD"), First Eagle Credit Opportunities Fund ("FECOF"), First Eagle BDC, LLC ("FE BDC"), First Eagle Alternative Capital Holdings, Inc. ("FCRD Subsidiary"), First Eagle Investment Management, LLC ("First Eagle"), First Eagle Alternative Credit, LLC ("FEAC"), First Eagle Alternative Credit EU, LLC ("FEAC EU," together with First Eagle and FEAC, the "Existing Advisers"), First Eagle Credit Opportunities Fund SPV, LLC, First Eagle Direct Lending Fund I, LP, First Eagle Direct Lending Fund I (EE), LP, First Eagle Direct Lending Fund I (Parallel), LP, First Eagle DL Fund I Aggregator LLC, NewStar Arlington Senior Loan Program LLC, First Eagle Berkeley Fund CLO LLC, First Eagle Commercial Loan Funding 2016-1 LLC, First Eagle Commercial Loan Originator I LLC, First Eagle Dartmouth Holding LLC, NewStar Fairfield Fund CLO Ltd., First Eagle Warehouse Funding I LLC,

Lake Shore MM CLO I Ltd., First Eagle Direct Lending Fund III LLC, First Eagle Direct Lending Co-Invest III (E) LLC, First Eagle Direct Lending Co-Invest III LLC, First Eagle Direct Lending Fund III (A) LLC, Lake Shore MM CLO II Ltd., Lake Shore MM CLO III LLC, First Eagle Direct Lending Fund IV, LLC, First Eagle Direct Lending Levered Fund IV, LLC, First Eagle Direct Lending IV Co-Invest, LLC, First Eagle Direct Lending Levered Fund IV SPV, LLC, First Eagle Direct Lending V-A, LLC, First Eagle Direct Lending V-B, LLC, First Eagle Direct Lending V-C SCSP, South Shore V LLC, Wind River 2018-1 CLO Ltd., Wind River 2018-2 CLO Ltd., Wind River 2018-3 CLO Ltd., Wind River 2019-1 CLO Ltd., Wind River 2019-2 CLO Ltd., Wind River 2019-3 CLO Ltd., Wind River 2020-1 CLO Ltd., Wind River 2021-1 CLO Ltd., Wind River 2021-2 CLO, Ltd., Bighorn III, Ltd., NewStar Commercial Loan Funding 2017-1 LLC, First Eagle Clarendon Fund CLO LLC, NewStar Exeter Fund CLO LLC, Arch Street CLO, Ltd., First Eagle BSL CLO 2019-1 Ltd., Hull Street CLO, Ltd., Longfellow Place CLO, Ltd., Staniford Street CLO, Ltd. and First Eagle Strategic Funding, LLC.

Filing Dates: The application was filed on August 13, 2020, and amended on December 18, 2020, March 31, 2021 and May 27, 2021.

Hearing or Notification of Hearing: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by emailing the Commission's Secretary at Secretarys-Office@sec.gov and serving applicants with a copy of the request, by email. Hearing requests should be received by the Commission by 5:30 p.m. on July 12, 2021, and should be accompanied by proof of service on the applicants, in the form of an affidavit, or, for lawyers, a certificate of service. Pursuant to rule 0-5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing the Commission's Secretary at Secretarys-Office@sec.gov.

ADDRESSES: The Commission: Secretarys-Office@sec.gov. Applicants: c/o Sabrina Rusnak-Carlson, 500 Boylston Street, Suite 1200, Boston, MA 02116, and by email to: David.Blass@stblaw.com; Rajib.Chanda@stblaw.com and Christopher.Healey@stblaw.com.

FOR FURTHER INFORMATION CONTACT: Laura L. Solomon, Senior Counsel, at

¹²⁷ 17 CFR 200.30-3(a)(57) and (58).

¹ THL Credit Inc., et al., Investment Company Act Rel. No. 33212 (Aug. 24, 2018) (notice) and Investment Company Act Rel. No. 33239 (Sep. 19, 2018) (order).

¹²⁶ 15 U.S.C. 78s(b)(3)(C).

(202) 551-6915 or Kaitlin C. Bottock, Branch Chief, at (202) 551-6825 (Chief Counsel's Office, Division of Investment Management).

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.

Introduction

1. The applicants request an order of the Commission under sections 17(d) and 57(i) and rule 17d-1 thereunder (the "Order") to permit, subject to the terms and conditions set forth in the application (the "Conditions"), a Regulated Fund² and one or more other Regulated Funds and/or one or more Affiliated Funds³ to enter into Co-

² "Regulated Funds" means FCRD, FECOF, FE BDC, the Future Regulated Funds and the BDC Downstream Funds (defined below). "Future Regulated Fund" means a closed-end management investment company (a) that is registered under the Act or has elected to be regulated as a BDC, (b) whose investment adviser (and sub-adviser(s), if any) is an Adviser, and (c) intends to participate in the Co-Investment Program.

"Adviser" means any Existing Advisers, together with any future investment adviser that intends to participate in the Co-Investment Program (as defined below) and (i) controls, is controlled by or is under common control with an Existing Adviser, (ii) (a) is registered as an investment adviser under the Investment Advisers Act of 1940 ("Advisers Act"), or (b) is a relying adviser of an investment adviser that is registered under the Advisers Act and that controls, is controlled by or is under common control with an Existing Adviser, and (iii) is not a Regulated Fund or a subsidiary of a Regulated Fund.

³ "Affiliated Fund" means any Existing Affiliated Fund (identified in Appendix A to the application), Existing Proprietary Accounts, any Future Proprietary Accounts, and any entity (a) whose investment adviser (and sub-adviser(s), if any) is an Adviser, (b) that either (i) would be an investment company but for section 3(c)(1), 3(c)(5)(C) or 3(c)(7) of the Act or (ii) relies on rule 3a-7 under the Act, (c) that intends to participate in the Co-Investment Program, and (d) that is not a BDC Downstream Fund. Applicants represent that no Existing Affiliated Fund is a BDC Downstream Fund. "Future Proprietary Account" means any direct or indirect, wholly- or majority-owned subsidiary of an Adviser that is formed in the future that, from time to time, may hold various financial assets in a principal capacity.

"BDC Downstream Fund" means, with respect to any Regulated Fund that is a BDC, an entity (i) that the BDC directly or indirectly controls, (ii) that is not controlled by any person other than the BDC (except a person that indirectly controls the entity solely because it controls the BDC), (iii) that would be an investment company but for section 3(c)(1) or 3(c)(7) of the Act, (iv) whose investment adviser (and sub-adviser(s), if any) is an Adviser, (v) that is not a Wholly-Owned Investment Sub and (vi) is not a Greenway Entity or Logan JV (each defined below).

Affiliated Funds may include funds that are ultimately structured as collateralized loan obligation funds ("CLOs"). Such CLOs would be

Investment Transactions with each other. "Co-Investment Transaction" means any transaction in which a Regulated Fund (or its Wholly-Owned Investment Sub) participated together with one or more Affiliated Funds and/or one or more other Regulated Funds in reliance on the Order. "Potential Co-Investment Transaction" means any investment opportunity in which a Regulated Fund (or its Wholly-Owned Investment Sub) could not participate together with one or more Affiliated Funds and/or one or more other Regulated Funds without obtaining and relying on the Order.⁴

investment companies but for the exception provided in section 3(c)(7) of the Act or their ability to rely on rule 3a-7 of the Act. During the investment period of a CLO, the CLO may engage in certain transactions customary in CLO formations with another Affiliated Fund on a secondary basis at fair market value. For purposes of the Order, any securities that were acquired by an Affiliated Fund in a particular Co-Investment Transaction that are then transferred in such customary transactions to an Affiliated Fund that is or will become a CLO (an "Affiliated Fund CLO") will be treated as if the Affiliated Fund CLO acquired such securities in the Co-Investment Transaction. For the avoidance of doubt, any such transfer from an Affiliated Fund to an Affiliated Fund CLO will be treated as a Disposition and completed pursuant to terms and conditions of the application, though applicants note that the Regulated Funds would be prohibited from participating in such Disposition by section 17(a)(2) or section 57(a)(2) of the Act, as applicable. The participation by any Affiliated Fund CLO in any such Co-Investment Transaction will remain subject to the Order.

⁴ All existing entities that currently intend to rely on the Order have been named as applicants and any existing or future entities that may rely on the Order in the future will comply with its terms and Conditions set forth in the application. FCRD manages two limited term investment funds, First Eagle Greenway Fund LLC and First Eagle Greenway Fund II LLC (each, a "Greenway Entity," and together, the "Greenway Entities"). FCRD and the Greenway Entities previously agreed to conditions that would apply to any co-investment transactions between them, but the Greenway Entities are not applicants to the Order. Accordingly, the Greenway Entities would not be able to rely on the requested Order to participate in Co-Investment Transactions pursuant to the Order. Moreover, the Greenway Entities will not be making any new or follow-on co-investments with FCRD because the Greenway Entities are fully invested and do not, and will not at any point, have any capital to invest. No Greenway Entity will have an interest in any issuer that is the subject of a Co-Investment Transaction completed pursuant to the Order, and FCRD will not form or manage another entity structured in the same manner as the Greenway Entities. Additionally, First Eagle Logan JV LLC ("Logan JV"), a joint venture with FCRD and Perspecta Trust LLC, would not be able to rely on the requested Order and, accordingly, would not participate in Co-Investment Transactions pursuant to the Order. No entity that holds an interest in Logan JV is or would be an affiliated person, or an affiliated person of an affiliated person, of FCRD within the meaning of section 2(a)(3) of the Act, other than by virtue of its ownership interest in Logan JV.

Applicants

2. FCRD is a closed-end management investment company incorporated in Delaware that has elected to be regulated as a BDC under the Act.⁵ FCRD's Board⁶ currently consists of six directors, five of whom are Independent Directors.⁷ FCRD Subsidiary, a Delaware corporation, is a wholly-owned subsidiary of FCRD and holds equity or equity-like investments in portfolio companies organized as limited liability companies (or other forms of pass-through entities). FCRD Subsidiary is excluded from the definition of "investment company" by section 3(c)(7) of the Act.

3. FECOF, a Delaware statutory trust, is a closed-end management investment company registered under the Act. FECOF's Board of Trustees consists of four members, three of whom are Independent Directors. Pursuant to a sub-advisory agreement between First Eagle and FEAC, FEAC serves as sub-adviser to FECOF.

4. FE BDC, a Delaware limited liability company, is a closed-end management investment company that may elect to be regulated as a BDC under the Act. FE BDC's Board will be comprised of five directors, three of whom will be Independent Directors.

5. First Eagle, a Delaware limited liability company that is registered under the Advisers Act, is the parent company of each of the other Existing Advisers. FEAC, a Delaware limited liability company that is registered as an investment adviser under the Advisers Act, serves as investment adviser to FCRD, certain Existing Affiliated Funds and pursuant to a sub-advisory agreement, sub-adviser to FECOF. FEAC

⁵ Section 2(a)(48) defines a BDC to be any closed-end investment company that operates for the purpose of making investments in securities described in section 55(a)(1) through 55(a)(3) and makes available significant managerial assistance with respect to the issuers of such securities.

⁶ "Board" means (i) with respect to a Regulated Fund other than a BDC Downstream Fund, the board of directors (or the equivalent) of the Regulated Fund and (ii) with respect to a BDC Downstream Fund, the Independent Party of the BDC Downstream Fund.

"Independent Party" means, with respect to a BDC Downstream Fund, (i) if the BDC Downstream Fund has a board of directors (or the equivalent), the board or (ii) if the BDC Downstream Fund does not have a board of directors (or the equivalent), a transaction committee or advisory committee of the BDC Downstream Fund.

⁷ "Independent Director" means a member of the Board of any relevant entity who is not an "interested person" as defined in 2(a)(19) of the Act. No Independent Director of a Regulated Fund (including any non-interested member of an Independent Party) will have a financial interest in any Co-Investment Transaction, other than indirectly through share ownership in one of the Regulated Funds.

EU is a relying adviser of FEAC and acts as the adviser to certain Existing Affiliated Funds. Certain accounts that the Existing Advisers and their direct and indirect wholly-owned subsidiaries may hold various financial assets in a principal capacity (the “Existing Proprietary Accounts” and together with any Future Proprietary Account, the “Proprietary Accounts”).

6. The Existing Affiliated Funds are the investment funds identified in Appendix A to the application. Applicants represent that each Existing Affiliated Fund is a separate and distinct legal entity and each would be an investment company but for section 3(c)(1), 3(c)(5)(C) or 3(c)(7) of the Act.

7. Applicants state that a Regulated Fund may, from time to time, form one or more Wholly-Owned Investment Subs.⁸ Such a subsidiary may be prohibited from investing in a Co-Investment Transaction with a Regulated Fund (other than its parent) or any Affiliated Fund because it would be a company controlled by its parent Regulated Fund for purposes of section 57(a)(4) and rule 17d–1. Applicants request that each Wholly-Owned Investment Sub be permitted to participate in Co-Investment Transactions in lieu of the Regulated Fund that owns it and that the Wholly-Owned Investment Sub’s participation in any such transaction be treated, for purposes of the Order, as though the parent Regulated Fund were participating directly.

Applicants’ Representations

A. Allocation Process

8. Applicants represent that they have established processes for allocating initial investment opportunities, opportunities for subsequent investments in an issuer and dispositions of securities holdings reasonably designed to treat all clients fairly and equitably. Further, applicants represent that these processes will be extended and modified in a manner reasonably designed to ensure that the additional transactions permitted under the Order will both (i) be fair and equitable to the Regulated Funds and

⁸ “Wholly-Owned Investment Sub” means an entity (i) that is wholly-owned by a Regulated Fund or a Future Regulated Fund (with such Regulated Fund at all times holding, beneficially and of record, 100% of the voting and economic interests); (ii) whose sole business purpose is to hold one or more investments on behalf of such Regulated Fund; (iii) with respect to which such Regulated Fund’s Board has the sole authority to make all determinations with respect to the entity’s participation under the Conditions; and (iv) that would be an investment company but for section 3(c)(1) or 3(c)(7) of the Act.

the Affiliated Funds and (ii) comply with the Conditions.

9. Specifically, applicants state that the Funds are organized and managed such that teams and investment committees (“Investment Teams” and “Investment Committees”), responsible for evaluating investment opportunities and making investment decisions on behalf of clients are promptly notified of the opportunities. If the requested Order is granted, the Advisers will establish, maintain and implement policies and procedures reasonably designed to ensure that, when such opportunities arise, the Advisers to the relevant Regulated Funds are promptly notified and receive the same information about the opportunity as any other Advisers considering the opportunity for their clients. In particular, consistent with Condition 1, if a Potential Co-Investment Transaction falls within the then-current Objectives and Strategies⁹ and any Board-Established Criteria¹⁰ of a Regulated Fund, the policies and procedures will require that the relevant Investment Teams and Investment Committees responsible for that Regulated Fund receive sufficient information to allow the Regulated

⁹ “Objectives and Strategies” means (i) with respect to any Regulated Fund other than a BDC Downstream Fund, its investment objectives and strategies, as described in its most current registration statement on Form N–2, other current filings with the Commission under the Securities Act of 1933 (the “Securities Act”) or under the Securities Exchange Act of 1934, as amended, and its most current report to stockholders, and (ii) with respect to any BDC Downstream Fund, those investment objectives and strategies described in its disclosure documents (including private placement memoranda and reports to equity holders) and organizational documents (including operating agreements).

¹⁰ “Board-Established Criteria” means criteria that the Board of a Regulated Fund may establish from time to time to describe the characteristics of Potential Co-Investment Transactions regarding which the Adviser to the Regulated Fund should be notified under Condition 1. The Board-Established Criteria will be consistent with the Regulated Fund’s Objectives and Strategies. If no Board-Established Criteria are in effect, then the Regulated Fund’s Adviser will be notified of all Potential Co-Investment Transactions that fall within the Regulated Fund’s then-current Objectives and Strategies. Board-Established Criteria will be objective and testable, meaning that they will be based on observable information, such as industry/sector of the issuer, minimum EBITDA of the issuer, asset class of the investment opportunity or required commitment size, and not on characteristics that involve a discretionary assessment. The Adviser to the Regulated Fund may from time to time recommend criteria for the Board’s consideration, but Board-Established Criteria will only become effective if approved by a majority of the Independent Directors. The Independent Directors of a Regulated Fund may at any time rescind, suspend or qualify its approval of any Board-Established Criteria, though applicants anticipate that, under normal circumstances, the Board would not modify these criteria more often than quarterly.

Fund’s Adviser to make its independent determination and recommendations under the Conditions.

10. The Adviser to each applicable Regulated Fund will then make an independent determination of the appropriateness of the investment for the Regulated Fund in light of the Regulated Fund’s then-current circumstances. If the Adviser to a Regulated Fund deems the Regulated Fund’s participation in such Potential Co-Investment Transaction to be appropriate, then it will formulate a recommendation regarding the proposed order amount for the Regulated Fund.

11. Applicants state that, for each Regulated Fund and Affiliated Fund whose Adviser recommends participating in a Potential Co-Investment Transaction, the applicable Investment Committee will approve the investment and the investment amount. Applicants state further that the applicable Investment Committee will notify the allocation committee that coordinates and facilitates an order submission process with a designated representative of each applicable investment committee of a Regulated Fund and Affiliated Fund to the extent such investment is consistent with its Board-Established Criteria and/or falls within its then-current Objectives and Strategies. Prior to the External Submission (as defined below), each proposed order or investment amount may be reviewed and adjusted, in accordance with the applicable Advisers’ written allocation policies and procedures, by both the allocation committee and applicable investment committee of the Adviser.¹¹ The order of a Regulated Fund or Affiliated Fund resulting from this process is referred to as its “Internal Order.” The Internal Order will be submitted for approval by the Required Majority of any participating Regulated Funds in accordance with the Conditions.¹²

¹¹ The reason for any such adjustment to a proposed order amount will be documented in writing and preserved in the records of the Advisers.

¹² “Required Majority” means a required majority, as defined in section 57(o) of the Act. In the case of a Regulated Fund that is a registered closed-end fund, the Board members that make up the Required Majority will be determined as if the Regulated Fund were a BDC subject to section 57(o). In the case of a BDC Downstream Fund with a board of directors (or the equivalent), the members that make up the Required Majority will be determined as if the BDC Downstream Fund were a BDC subject to section 57(o). In the case of a BDC Downstream Fund with a transaction committee or advisory committee, the committee members that make up the Required Majority will be determined as if the BDC Downstream Fund were a BDC subject to section 57(o) and as if the committee members were directors of the fund.

12. If the aggregate Internal Orders for a Potential Co-Investment Transaction do not exceed the size of the investment opportunity immediately prior to the submission of the orders to the underwriter, broker, dealer or issuer, as applicable (the "External Submission"), then each Internal Order will be fulfilled as placed. If, on the other hand, the aggregate Internal Orders for a Potential Co-Investment Transaction exceed the size of the investment opportunity immediately prior to the External Submission, then the allocation of the opportunity will be made pro rata on the basis of the size of the Internal Orders.¹³ If, subsequent to such External Submission, the size of the opportunity is increased or decreased, or if the terms of such opportunity, or the facts and circumstances applicable to the Regulated Funds' or the Affiliated Funds' consideration of the opportunity, change, the participants will be permitted to submit revised Internal Orders in accordance with written allocation policies and procedures that the Advisers will establish, implement and maintain.¹⁴

B. Follow-On Investments

13. Applicants state that from time to time the Regulated Funds and Affiliated Funds may have opportunities to make Follow-On Investments¹⁵ in an issuer in which a Regulated Fund and one or more other Regulated Funds and/or Affiliated Funds previously have invested.

14. Applicants propose that Follow-On Investments would be divided into two categories depending on whether the prior investment was a Co-Investment Transaction or a Pre-Boarding Investment.¹⁶ If the Regulated

Funds and Affiliated Funds have previously participated in a Co-Investment Transaction with respect to the issuer, then the terms and approval of the Follow-On Investment would be subject to the Standard Review Follow-Ons described in Condition 8. If the Regulated Funds and Affiliated Funds have not previously participated in a Co-Investment Transaction with respect to the issuer but hold a Pre-Boarding Investment, then the terms and approval of the Follow-On Investment would be subject to the Enhanced-Review Follow-Ons described in Condition 9. All Enhanced Review Follow-Ons require the approval of the Required Majority. For a given issuer, the participating Regulated Funds and Affiliated Funds would need to comply with the requirements of Enhanced-Review Follow-Ons only for the first Co-Investment Transaction. Subsequent Co-Investment Transactions with respect to the issuer would be governed by the requirements of Standard Review Follow-Ons.

15. A Regulated Fund would be permitted to invest in Standard Review Follow-Ons either with the approval of the Required Majority under Condition 8(c) or without Board approval under Condition 8(b) if it is (i) a Pro Rata Follow-On Investment¹⁷ or (ii) a Non-Negotiated Follow-On Investment.¹⁸ Applicants believe that these Pro Rata and Non-Negotiated Follow-On

Regulated Funds that were acquired prior to participating in any Co-Investment Transaction: (i) In transactions in which the only term negotiated by or on behalf of such funds was price in reliance on one of the JT No-Action Letters (defined below); or (ii) in transactions occurring at least 90 days apart and without coordination between the Regulated Fund and any Affiliated Fund or other Regulated Fund.

¹⁷ A "Pro Rata Follow-On Investment" is a Follow-On Investment (i) in which the participation of each Affiliated Fund and each Regulated Fund is proportionate to its outstanding investments in the issuer or security, as appropriate, immediately preceding the Follow-On Investment, and (ii) in the case of a Regulated Fund, a majority of the Board has approved the Regulated Fund's participation in the pro rata Follow-On Investments as being in the best interests of the Regulated Fund. The Regulated Fund's Board may refuse to approve, or at any time rescind, suspend or qualify, its approval of Pro Rata Follow-On Investments, in which case all subsequent Follow-On Investments will be submitted to the Regulated Fund's Eligible Directors in accordance with Condition 8(c).

¹⁸ A "Non-Negotiated Follow-On Investment" is a Follow-On Investment in which a Regulated Fund participates together with one or more Affiliated Funds and/or one or more other Regulated Funds (i) in which the only term negotiated by or on behalf of the funds is price and (ii) with respect to which, if the transaction were considered on its own, the funds would be entitled to rely on one of the JT No-Action Letters.

"JT No-Action Letters" means SMC Capital, Inc., SEC No-Action Letter (pub. avail. Sept. 5, 1995) and Massachusetts Mutual Life Insurance Company, SEC No-Action Letter (pub. avail. June 7, 2000).

Investments do not present a significant opportunity for overreaching on the part of any Adviser and thus do not warrant the time or the attention of the Board. Pro Rata Follow-On Investments and Non-Negotiated Follow-On Investments remain subject to the Board's periodic review in accordance with Condition 10.

C. Dispositions

16. Applicants propose that Dispositions¹⁹ would be divided into two categories. If the Regulated Funds and Affiliated Funds holding investments in the issuer have previously participated in a Co-Investment Transaction with respect to the issuer, then the terms and approval of the Disposition would be subject to the Standard Review Dispositions described in Condition 6. If the Regulated Funds and Affiliated Funds have not previously participated in a Co-Investment Transaction with respect to the issuer but hold a Pre-Boarding Investment, then the terms and approval of the Disposition would be subject to the Enhanced Review Dispositions described in Condition 7. Subsequent Dispositions with respect to the same issuer would be governed by Condition 6 under the Standard Review Dispositions.²⁰

17. A Regulated Fund may participate in a Standard Review Disposition either with the approval of the Required Majority under Condition 6(d) or without Board approval under Condition 6(c) if (i) the Disposition is a Pro Rata Disposition²¹ or (ii) the

¹⁹ "Disposition" means the sale, exchange or other disposition of an interest in a security of an issuer.

²⁰ However, with respect to an issuer, if a Regulated Fund's first Co-Investment Transaction is an Enhanced Review Disposition, and the Regulated Fund does not dispose of its entire position in the Enhanced Review Disposition, then before such Regulated Fund may complete its first Standard Review Follow-On in such issuer, the Eligible Directors must review the proposed Follow-On Investment not only on a stand-alone basis but also in relation to the total economic exposure in such issuer (i.e., in combination with the portion of the Pre-Boarding Investment not disposed of in the Enhanced Review Disposition), and the other terms of the investments. This additional review is required because such findings would not have been required in connection with the prior Enhanced Review Disposition, but they would have been required had the first Co-Investment Transaction been an Enhanced Review Follow-On.

²¹ A "Pro Rata Disposition" is a Disposition (i) in which the participation of each Affiliated Fund and each Regulated Fund is proportionate to its outstanding investment in the security subject to Disposition immediately preceding the Disposition; and (ii) in the case of a Regulated Fund, a majority of the Board has approved the Regulated Fund's participation in pro rata Dispositions as being in the best interests of the Regulated Fund. The Regulated Fund's Board may refuse to approve, or at any time

¹³ The Advisers will maintain records of all proposed order amounts, Internal Orders and External Submissions in conjunction with Potential Co-Investment Transactions. Each applicable Adviser will provide the Eligible Directors with information concerning the Affiliated Funds' and Regulated Funds' order sizes to assist the Eligible Directors with their review of the applicable Regulated Fund's investments for compliance with the Conditions.

"Eligible Directors" means, with respect to a Regulated Fund and a Potential Co-Investment Transaction, the members of the Regulated Fund's Board eligible to vote on that Potential Co-Investment Transaction under section 57(o) of the Act.

¹⁴ The Board of the Regulated Fund will then either approve or disapprove of the investment opportunity in accordance with Condition 2, 6, 7, 8 or 9, as applicable.

¹⁵ "Follow-On Investment" means an additional investment in the same issuer, including, but not limited to, through the exercise of warrants, conversion privileges or other rights to purchase securities of the issuer.

¹⁶ "Pre-Boarding Investments" are investments in an issuer held by a Regulated Fund as well as one or more Affiliated Funds and/or one or more other

securities are Tradable Securities²² and the Disposition meets the other requirements of Condition 6(c)(ii). Pro Rata Dispositions and Dispositions of a Tradable Security remain subject to the Board's periodic review in accordance with Condition 10.

D. Delayed Settlement

18. Applicants represent that under the terms and Conditions of the application, all Regulated Funds and Affiliated Funds participating in a Co-Investment Transaction will invest at the same time, for the same price and with the same terms, conditions, class, registration rights and any other rights, so that none of them receives terms more favorable than any other. However, the settlement date for an Affiliated Fund in a Co-Investment Transaction may occur up to ten business days after the settlement date for the Regulated Fund, and vice versa. Nevertheless, in all cases, (i) the date on which the commitment of the Affiliated Funds and Regulated Funds is made will be the same even where the settlement date is not and (ii) the earliest settlement date and the latest settlement date of any Affiliated Fund or Regulated Fund participating in the transaction will occur within ten business days of each other.

E. Holders

19. Under Condition 15, if an Adviser, its principals, or any person controlling, controlled by, or under common control with the Adviser or its principals, and the Affiliated Funds (collectively, the "Holders") own in the aggregate more than 25 percent of the outstanding voting shares of a Regulated Fund (the "Shares"), then the Holders will vote such Shares in the same percentage as the Regulated Fund's other shareholders (not including the Holders) when voting on matters specified in the Condition.

rescind, suspend or qualify, its approval of Pro Rata Dispositions, in which case all subsequent Dispositions will be submitted to the Regulated Fund's Eligible Directors.

²² "Tradable Security" means a security that meets the following criteria at the time of Disposition: (i) It trades on a national securities exchange or designated offshore securities market as defined in rule 902(b) under the Securities Act; (ii) it is not subject to restrictive agreements with the issuer or other security holders; and (iii) it trades with sufficient volume and liquidity (findings as to which are documented by the Advisers to any Regulated Funds holding investments in the issuer and retained for the life of the Regulated Fund) to allow each Regulated Fund to dispose of its entire position remaining after the proposed Disposition within a short period of time not exceeding 30 days at approximately the value (as defined by section 2(a)(41) of the Act) at which the Regulated Fund has valued the investment.

Applicants' Legal Analysis

1. Section 17(d) of the Act and rule 17d-1 under the Act prohibit participation by a registered investment company and an affiliated person in any "joint enterprise or other joint arrangement or profit-sharing plan," as defined in the rule, without prior approval by the Commission by order upon application. Section 17(d) of the Act and rule 17d-1 under the Act are applicable to Regulated Funds that are registered closed-end investment companies.

2. Similarly, with regard to BDCs, section 57(a)(4) of the Act generally prohibits certain persons specified in section 57(b) from participating in joint transactions with the BDC or a company controlled by the BDC in contravention of rules as prescribed by the Commission. Section 57(i) of the Act provides that, until the Commission prescribes rules under section 57(a)(4), the Commission's rules under section 17(d) of the Act applicable to registered closed-end investment companies will be deemed to apply to transactions subject to section 57(a)(4). Because the Commission has not adopted any rules under section 57(a)(4), rule 17d-1 also applies to joint transactions with Regulated Funds that are BDCs.

3. Co-Investment Transactions are prohibited by either or both of rule 17d-1 and section 57(a)(4) without a prior exemptive order of the Commission to the extent that the Affiliated Funds and the Regulated Funds participating in such transactions fall within the category of persons described by rule 17d-1 and/or section 57(b), as applicable, vis-à-vis each participating Regulated Fund. Each of the participating Regulated Funds and Affiliated Funds may be deemed to be affiliated persons vis-à-vis a Regulated Fund within the meaning of section 2(a)(3) by reason of common control because (i) an Existing Adviser is the investment adviser (and sub-adviser, if any) to, and may be deemed to control, each of the Existing Affiliated Funds, and an Adviser to Affiliated Funds will be the investment adviser (and sub-adviser, if any) to, and may be deemed to control, any other Affiliated Fund; (ii) an Existing Adviser is the investment adviser (and sub-adviser, if any) to, and may be deemed to control, the Existing Regulated Funds and an Adviser will be the investment adviser (and sub-adviser, if any) to, and may be deemed to control, any Future Regulated Fund, (iii) each BDC Downstream Fund will be deemed to be controlled by its BDC parent and/or its BDC parent's investment adviser; and (iv) the

Advisers to Affiliated Funds and the Advisers to Regulated Funds are under common control. Thus, each of the Affiliated Funds could be deemed to be a person related to the Regulated Funds, including any BDC Downstream Fund, in a manner described by section 57(b) and related to the other Regulated Funds in a manner described by rule 17d-1; and therefore the prohibitions of rule 17d-1 and section 57(a)(4) would apply respectively to prohibit the Affiliated Funds from participating in Co-Investment Transactions with the Regulated Funds. In addition, because the Proprietary Accounts are controlled by an Adviser and, therefore, may be under common control with the Existing Advisers, and any Future Regulated Funds, the Proprietary Accounts could be deemed to be persons related to the Regulated Funds (or a company controlled by the Regulated Funds) in a manner described by section 57(b) and also prohibited from participating in the Co-Investment Program.

4. In passing upon applications under rule 17d-1, the Commission considers whether the company's participation in the joint transaction is consistent with the provisions, policies, and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

5. Applicants state that in the absence of the requested relief, in many circumstances the Regulated Funds would be limited in their ability to participate in attractive and appropriate investment opportunities. Applicants state that, as required by rule 17d-1(b), the Conditions ensure that the terms on which Co-Investment Transactions may be made will be consistent with the participation of the Regulated Funds being on a basis that it is neither different from nor less advantageous than other participants, thus protecting the equity holders of any participant from being disadvantaged. Applicants further state that the Conditions ensure that all Co-Investment Transactions are reasonable and fair to the Regulated Funds and their shareholders and do not involve overreaching by any person concerned, including the Advisers. Applicants state that the Regulated Funds' participation in the Co-Investment Transactions in accordance with the Conditions will be consistent with the provisions, policies, and purposes of the Act and would be done in a manner that is not different from, or less advantageous than, that of other participants.

Applicants' Conditions

Applicants agree that the Order will be subject to the following Conditions:

1. Identification and Referral of Potential Co-Investment Transactions.

(a) The Advisers will establish, maintain and implement policies and procedures reasonably designed to ensure that each Adviser is promptly notified of all Potential Co-Investment Transactions that fall within the then-current Objectives and Strategies and Board-Established Criteria of any Regulated Fund the Adviser manages.

(b) When an Adviser to a Regulated Fund is notified of a Potential Co-Investment Transaction under Condition 1(a), the Adviser will make an independent determination of the appropriateness of the investment for the Regulated Fund in light of the Regulated Fund's then-current circumstances.

2. Board Approvals of Co-Investment Transactions.

(a) If the Adviser deems a Regulated Fund's participation in any Potential Co-Investment Transaction to be appropriate for the Regulated Fund, it will then determine an appropriate level of investment for the Regulated Fund.

(b) If the aggregate amount recommended by the Advisers to be invested in the Potential Co-Investment Transaction by the participating Regulated Funds and any participating Affiliated Funds, collectively, exceeds the amount of the investment opportunity, the investment opportunity will be allocated among them pro rata based on the size of the Internal Orders, as described in section III.A.1.b. of the application. Each Adviser to a participating Regulated Fund will promptly notify and provide the Eligible Directors with information concerning the Affiliated Funds' and Regulated Funds' order sizes to assist the Eligible Directors with their review of the applicable Regulated Fund's investments for compliance with these Conditions.

(c) After making the determinations required in Condition 1(b) above, each Adviser to a participating Regulated Fund will distribute written information concerning the Potential Co-Investment Transaction (including the amount proposed to be invested by each participating Regulated Fund and each participating Affiliated Fund) to the Eligible Directors of its participating Regulated Fund(s) for their consideration. A Regulated Fund will enter into a Co-Investment Transaction with one or more other Regulated Funds or Affiliated Funds only if, prior to the Regulated Fund's participation in the

Potential Co-Investment Transaction, a Required Majority concludes that:

(i) The terms of the transaction, including the consideration to be paid, are reasonable and fair to the Regulated Fund and its equity holders and do not involve overreaching in respect of the Regulated Fund or its equity holders on the part of any person concerned;

(ii) the transaction is consistent with:

(A) The interests of the Regulated Fund's equity holders; and

(B) the Regulated Fund's then-current Objectives and Strategies;

(iii) the investment by any other Regulated Fund(s) or Affiliated Fund(s) would not disadvantage the Regulated Fund, and participation by the Regulated Fund would not be on a basis different from, or less advantageous than, that of any other Regulated Fund(s) or Affiliated Fund(s) participating in the transaction; provided that the Required Majority shall not be prohibited from reaching the conclusions required by this Condition 2(c)(iii) if:

(A) The settlement date for another Regulated Fund or an Affiliated Fund in a Co-Investment Transaction is later than the settlement date for the Regulated Fund by no more than ten business days or earlier than the settlement date for the Regulated Fund by no more than ten business days, in either case, so long as: (x) The date on which the commitment of the Affiliated Funds and Regulated Funds is made is the same; and (y) the earliest settlement date and the latest settlement date of any Affiliated Fund or Regulated Fund participating in the transaction will occur within ten business days of each other; or

(B) any other Regulated Fund or Affiliated Fund, but not the Regulated Fund itself, gains the right to nominate a director for election to a portfolio company's board of directors, the right to have a board observer or any similar right to participate in the governance or management of the portfolio company so long as: (x) The Eligible Directors will have the right to ratify the selection of such director or board observer, if any; (y) the Adviser agrees to, and does, provide periodic reports to the Regulated Fund's Board with respect to the actions of such director or the information received by such board observer or obtained through the exercise of any similar right to participate in the governance or management of the portfolio company; and (z) any fees or other compensation that any other Regulated Fund or Affiliated Fund or any affiliated person of any other Regulated Fund or Affiliated Fund receives in connection

with the right of one or more Regulated Funds or Affiliated Funds to nominate a director or appoint a board observer or otherwise to participate in the governance or management of the portfolio company will be shared proportionately among any participating Affiliated Funds (who may, in turn, share their portion with their affiliated persons) and any participating Regulated Fund(s) in accordance with the amount of each such party's investment; and

(iv) the proposed investment by the Regulated Fund will not involve compensation, remuneration or a direct or indirect²³ financial benefit to the Advisers, any other Regulated Fund, the Affiliated Funds or any affiliated person of any of them (other than the parties to the Co-Investment Transaction), except (A) to the extent permitted by Condition 14, (B) to the extent permitted by section 17(e) or 57(k), as applicable, (C) indirectly, as a result of an interest in the securities issued by one of the parties to the Co-Investment Transaction, or (D) in the case of fees or other compensation described in Condition 2(c)(iii)(B)(z).

3. *Right to Decline.* Each Regulated Fund has the right to decline to participate in any Potential Co-Investment Transaction or to invest less than the amount proposed.

4. *General Limitation.* Except for Follow-On Investments made in accordance with Conditions 8 and 9 below,²⁴ a Regulated Fund will not invest in reliance on the Order in any issuer in which a Related Party has an investment.²⁵

5. *Same Terms and Conditions.* A Regulated Fund will not participate in any Potential Co-Investment Transaction unless (i) the terms,

²³ For example, procuring the Regulated Fund's investment in a Potential Co-Investment Transaction to permit an affiliate to complete or obtain better terms in a separate transaction would constitute an indirect financial benefit.

²⁴ This exception applies only to Follow-On Investments by a Regulated Fund in issuers in which that Regulated Fund already holds investments.

²⁵ "Related Party" means (i) any Close Affiliate and (ii) in respect of matters as to which any Adviser has knowledge, any Remote Affiliate. "Close Affiliate" means the Advisers, the Regulated Funds, the Affiliated Funds and any other person described in Section 57(b) (after giving effect to Rule 57b-1) in respect of any Regulated Fund (treating any registered investment company or series thereof as a BDC for this purpose) except for limited partners included solely by reason of the reference in Section 57(b) to Section 2(a)(3)(D). "Remote Affiliate" means any person described in Section 57(e) in respect of any Regulated Fund (treating any registered investment company or series thereof as a BDC for this purpose) and any limited partner holding 5% or more of the relevant limited partner interests that would be a Close Affiliate but for the exclusion in that definition.

conditions, price, class of securities to be purchased, date on which the commitment is entered into and registration rights (if any) will be the same for each participating Regulated Fund and Affiliated Fund and (ii) the earliest settlement date and the latest settlement date of any participating Regulated Fund or Affiliated Fund will occur as close in time as practicable and in no event more than ten business days apart. The grant to one or more Regulated Funds or Affiliated Funds, but not the respective Regulated Fund, of the right to nominate a director for election to a portfolio company's board of directors, the right to have an observer on the board of directors or similar rights to participate in the governance or management of the portfolio company will not be interpreted so as to violate this Condition 5, if Condition 2(c)(iii)(B) is met.

6. *Standard Review Dispositions.*

(a) *General.* If any Regulated Fund or Affiliated Fund elects to sell, exchange or otherwise dispose of an interest in a security and one or more Regulated Funds and Affiliated Funds have previously participated in a Co-Investment Transaction with respect to the issuer, then:

(i) The Adviser to such Regulated Fund or Affiliated Fund²⁶ will notify each Regulated Fund that holds an investment in the issuer of the proposed Disposition at the earliest practical time; and

(ii) the Adviser to each Regulated Fund that holds an investment in the issuer will formulate a recommendation as to participation by such Regulated Fund in the Disposition.

(b) *Same Terms and Conditions.* Each Regulated Fund will have the right to participate in such Disposition on a proportionate basis, at the same price and on the same terms and conditions as those applicable to the Affiliated Funds and any other Regulated Fund.

(c) *No Board Approval Required.* A Regulated Fund may participate in such a Disposition without obtaining prior approval of the Required Majority if:

(i) (A) The participation of each Regulated Fund and Affiliated Fund in such Disposition is proportionate to its then-current holding of the security (or securities) of the issuer that is (or are) the subject of the Disposition;²⁷ (B) the

Board of the Regulated Fund has approved as being in the best interests of the Regulated Fund the ability to participate in such Dispositions on a pro rata basis (as described in greater detail in the application); and (C) the Board of the Regulated Fund is provided on a quarterly basis with a list of all Dispositions made in accordance with this Condition; or

(ii) each security is a Tradable Security and (A) the Disposition is not to the issuer or any affiliated person of the issuer; and (B) the security is sold for cash in a transaction in which the only term negotiated by or on behalf of the participating Regulated Funds and Affiliated Funds is price.

(d) *Standard Board Approval.* In all other cases, the Adviser will provide its written recommendation as to the Regulated Fund's participation to the Eligible Directors and the Regulated Fund will participate in such Disposition solely to the extent that a Required Majority determines that it is in the Regulated Fund's best interests.

7. *Enhanced Review Dispositions.*

(a) *General.* If any Regulated Fund or Affiliated Fund elects to sell, exchange or otherwise dispose of a Pre-Boarding Investment in a Potential Co-Investment Transaction and the Regulated Funds and Affiliated Funds have not previously participated in a Co-Investment Transaction with respect to the issuer:

(i) The Adviser to such Regulated Fund or Affiliated Fund will notify each Regulated Fund that holds an investment in the issuer of the proposed Disposition at the earliest practical time;

(ii) the Adviser to each Regulated Fund that holds an investment in the issuer will formulate a recommendation as to participation by such Regulated Fund in the Disposition; and

(iii) the Advisers will provide to the Board of each Regulated Fund that holds an investment in the issuer all information relating to the existing investments in the issuer of the Regulated Funds and Affiliated Funds, including the terms of such investments and how they were made, that is necessary for the Required Majority to make the findings required by this Condition.

(b) *Enhanced Board Approval.* The Adviser will provide its written recommendation as to the Regulated Fund's participation to the Eligible Directors, and the Regulated Fund will participate in such Disposition solely to the extent that a Required Majority determines that:

(i) The Disposition complies with Condition 2(c)(i), (ii), (iii)(A), and (iv); and

(ii) the making and holding of the Pre-Boarding Investments were not prohibited by section 57 or rule 17d-1, as applicable, and records the basis for the finding in the Board minutes.

(c) *Additional Requirements:* The Disposition may only be completed in reliance on the Order if:

(i) *Same Terms and Conditions.* Each Regulated Fund has the right to participate in such Disposition on a proportionate basis, at the same price and on the same terms and Conditions as those applicable to the Affiliated Funds and any other Regulated Fund;

(ii) *Original Investments.* All of the Affiliated Funds' and Regulated Funds' investments in the issuer are Pre-Boarding Investments;

(iii) *Advice of counsel.* Independent counsel to the Board advises that the making and holding of the investments in the Pre-Boarding Investments were not prohibited by section 57 (as modified by rule 57b-1) or rule 17d-1, as applicable;

(iv) *Multiple Classes of Securities.* All Regulated Funds and Affiliated Funds that hold Pre-Boarding Investments in the issuer immediately before the time of completion of the Co-Investment Transaction hold the same security or securities of the issuer. For the purpose of determining whether the Regulated Funds and Affiliated Funds hold the same security or securities, they may disregard any security held by some but not all of them if, prior to relying on the Order, the Required Majority is presented with all information necessary to make a finding, and finds, that: (x) any Regulated Fund's or Affiliated Fund's holding of a different class of securities (including for this purpose a security with a different maturity date) is immaterial²⁸ in amount, including immaterial relative to the size of the issuer; and (y) the Board records the basis for any such finding in its minutes. In addition, securities that differ only in respect of issuance date, currency, or denominations may be treated as the same security; and

(v) *No control.* The Affiliated Funds, the other Regulated Funds and their affiliated persons (within the meaning of section 2(a)(3)(C) of the Act), individually or in the aggregate, do not control the issuer of the securities (within the meaning of section 2(a)(9) of the Act).

²⁶ Any Proprietary Account that is not advised by an Adviser is itself deemed to be an Adviser for purposes of Conditions 6(a)(i), 7(a)(i), 8(a)(i) and 9(a)(i).

²⁷ In the case of any Disposition, proportionality will be measured by each participating Regulated Fund's and Affiliated Fund's outstanding investment in the security in question immediately preceding the Disposition.

²⁸ In determining whether a holding is "immaterial" for purposes of the Order, the Required Majority will consider whether the nature and extent of the interest in the transaction or arrangement is sufficiently small that a reasonable person would not believe that the interest affected the determination of whether to enter into the transaction or arrangement or the terms of the transaction or arrangement.

8. *Standard Review Follow-Ons.*

(a) *General.* If any Regulated Fund or Affiliated Fund desires to make a Follow-On Investment in an issuer and the Regulated Funds and Affiliated Funds holding investments in the issuer previously participated in a Co-Investment Transaction with respect to the issuer:

(i) The Adviser to each such Regulated Fund or Affiliated Fund will notify each Regulated Fund that holds securities of the portfolio company of the proposed transaction at the earliest practical time; and

(ii) the Adviser to each Regulated Fund that holds an investment in the issuer will formulate a recommendation as to the proposed participation, including the amount of the proposed investment, by such Regulated Fund.

(b) *No Board Approval Required.* A Regulated Fund may participate in the Follow-On Investment without obtaining prior approval of the Required Majority if:

(i) (A) The proposed participation of each Regulated Fund and each Affiliated Fund in such investment is proportionate to its outstanding investments in the issuer or the security at issue, as appropriate,²⁹ immediately preceding the Follow-On Investment; and (B) the Board of the Regulated Fund has approved as being in the best interests of the Regulated Fund the ability to participate in Follow-On Investments on a pro rata basis (as described in greater detail in the application); or

(ii) it is a Non-Negotiated Follow-On Investment.

(c) *Standard Board Approval.* In all other cases, the Adviser will provide its written recommendation as to the Regulated Fund's participation to the Eligible Directors and the Regulated Fund will participate in such Follow-On Investment solely to the extent that a Required Majority makes the determinations set forth in Condition 2(c). If the only previous Co-Investment Transaction with respect to the issuer

was an Enhanced Review Disposition the Eligible Directors must complete this review of the proposed Follow-On Investment both on a stand-alone basis and together with the Pre-Boarding Investments in relation to the total economic exposure and other terms of the investment.

(d) *Allocation.* If, with respect to any such Follow-On Investment:

(i) The amount of the opportunity proposed to be made available to any Regulated Fund is not based on the Regulated Funds' and the Affiliated Funds' outstanding investments in the issuer or the security at issue, as appropriate, immediately preceding the Follow-On Investment; and

(ii) the aggregate amount recommended by the Advisers to be invested in the Follow-On Investment by the participating Regulated Funds and any participating Affiliated Funds, collectively, exceeds the amount of the investment opportunity, then the Follow-On Investment opportunity will be allocated among them pro rata based on the size of the Internal Orders, as described in section III.A.1.b. of the application.

(e) *Other Conditions.* The acquisition of Follow-On Investments as permitted by this Condition will be considered a Co-Investment Transaction for all purposes and subject to the other Conditions set forth in the application.

9. *Enhanced Review Follow-Ons.*

(a) *General.* If any Regulated Fund or Affiliated Fund desires to make a Follow-On Investment in an issuer that is a Potential Co-Investment Transaction and the Regulated Funds and Affiliated Funds holding investments in the issuer have not previously participated in a Co-Investment Transaction with respect to the issuer:

(i) The Adviser to each such Regulated Fund or Affiliated Fund will notify each Regulated Fund that holds securities of the portfolio company of the proposed transaction at the earliest practical time;

(ii) the Adviser to each Regulated Fund that holds an investment in the issuer will formulate a recommendation as to the proposed participation, including the amount of the proposed investment, by such Regulated Fund; and

(iii) the Advisers will provide to the Board of each Regulated Fund that holds an investment in the issuer all information relating to the existing investments in the issuer of the Regulated Funds and Affiliated Funds, including the terms of such investments and how they were made, that is necessary for the Required Majority to

make the findings required by this Condition.

(b) *Enhanced Board Approval.* The Adviser will provide its written recommendation as to the Regulated Fund's participation to the Eligible Directors, and the Regulated Fund will participate in such Follow-On Investment solely to the extent that a Required Majority reviews the proposed Follow-On Investment both on a stand-alone basis and together with the Pre-Boarding Investments in relation to the total economic exposure and other terms and makes the determinations set forth in Condition 2(c). In addition, the Follow-On Investment may only be completed in reliance on the Order if the Required Majority of each participating Regulated Fund determines that the making and holding of the Pre-Boarding Investments were not prohibited by section 57 (as modified by rule 57b-1) or rule 17d-1, as applicable. The basis for the Board's findings will be recorded in its minutes.

(c) *Additional Requirements.* The Follow-On Investment may only be completed in reliance on the Order if:

(i) *Original Investments.* All of the Affiliated Funds' and Regulated Funds' investments in the issuer are Pre-Boarding Investments;

(ii) *Advice of counsel.* Independent counsel to the Board advises that the making and holding of the investments in the Pre-Boarding Investments were not prohibited by section 57 (as modified by rule 57b-1) or rule 17d-1, as applicable;

(iii) *Multiple Classes of Securities.* All Regulated Funds and Affiliated Funds that hold Pre-Boarding Investments in the issuer immediately before the time of completion of the Co-Investment Transaction hold the same security or securities of the issuer. For the purpose of determining whether the Regulated Funds and Affiliated Funds hold the same security or securities, they may disregard any security held by some but not all of them if, prior to relying on the Order, the Required Majority is presented with all information necessary to make a finding, and finds, that: (x) Any Regulated Fund's or Affiliated Fund's holding of a different class of securities (including for this purpose a security with a different maturity date) is immaterial in amount, including immaterial relative to the size of the issuer; and (y) the Board records the basis for any such finding in its minutes. In addition, securities that differ only in respect of issuance date, currency, or denominations may be treated as the same security; and

(iv) *No control.* The Affiliated Funds, the other Regulated Funds and their

²⁹ To the extent that a Follow-On Investment opportunity is in a security or arises in respect of a security held by the participating Regulated Funds and Affiliated Funds, proportionality will be measured by each participating Regulated Fund's and Affiliated Fund's outstanding investment in the security in question immediately preceding the Follow-On Investment using the most recent available valuation thereof. To the extent that a Follow-On Investment opportunity relates to an opportunity to invest in a security that is not in respect of any security held by any of the participating Regulated Funds or Affiliated Funds, proportionality will be measured by each participating Regulated Fund's and Affiliated Fund's outstanding investment in the issuer immediately preceding the Follow-On Investment using the most recent available valuation thereof.

affiliated persons (within the meaning of section 2(a)(3)(C) of the Act), individually or in the aggregate, do not control the issuer of the securities (within the meaning of section 2(a)(9) of the Act).

(d) *Allocation.* If, with respect to any such Follow-On Investment:

(i) The amount of the opportunity proposed to be made available to any Regulated Fund is not based on the Regulated Funds' and the Affiliated Funds' outstanding investments in the issuer or the security at issue, as appropriate, immediately preceding the Follow-On Investment; and

(ii) the aggregate amount recommended by the Advisers to be invested in the Follow-On Investment by the participating Regulated Funds and any participating Affiliated Funds, collectively, exceeds the amount of the investment opportunity, then the Follow-On Investment opportunity will be allocated among them pro rata based on the size of the Internal Orders, as described in section III.A.1.b. of the application.

(e) *Other Conditions.* The acquisition of Follow-On Investments as permitted by this Condition will be considered a Co-Investment Transaction for all purposes and subject to the other Conditions set forth in the application.

10. *Board Reporting, Compliance and Annual Re-Approval.*

(a) Each Adviser to a Regulated Fund will present to the Board of each Regulated Fund, on a quarterly basis, and at such other times as the Board may request, (i) a record of all investments in Potential Co-Investment Transactions made by any of the other Regulated Funds or any of the Affiliated Funds during the preceding quarter that fell within the Regulated Fund's then-current Objectives and Strategies and Board-Established Criteria that were not made available to the Regulated Fund, and an explanation of why such investment opportunities were not made available to the Regulated Fund; (ii) a record of all Follow-On Investments in and Dispositions of investments in any issuer in which the Regulated Fund holds any investments by any Affiliated Fund or other Regulated Fund during the prior quarter; and (iii) all information concerning Potential Co-Investment Transactions and Co-Investment Transactions, including investments made by other Regulated Funds or Affiliated Funds that the Regulated Fund considered but declined to participate in, so that the Independent Directors, may determine whether all Potential Co-Investment Transactions and Co-Investment Transactions during the preceding

quarter, including those investments that the Regulated Fund considered but declined to participate in, comply with the Conditions.

(b) All information presented to the Regulated Fund's Board pursuant to this Condition will be kept for the life of the Regulated Fund and at least two years thereafter, and will be subject to examination by the Commission and its staff.

(c) Each Regulated Fund's chief compliance officer, as defined in rule 38a-1(a)(4), will prepare an annual report for its Board each year that evaluates (and documents the basis of that evaluation) the Regulated Fund's compliance with the terms and Conditions of the application and the procedures established to achieve such compliance. In the case of a BDC Downstream Fund that does not have a chief compliance officer, the chief compliance officer of the BDC that controls the BDC Downstream Fund will prepare the report for the relevant Independent Party.

(d) The Independent Directors (including the non-interested members of each Independent Party) will consider at least annually whether continued participation in new and existing Co-Investment Transactions is in the Regulated Fund's best interests.

11. *Record Keeping.* Each Regulated Fund will maintain the records required by section 57(f)(3) of the Act as if each of the Regulated Funds were a BDC and each of the investments permitted under these Conditions were approved by the Required Majority under section 57(f).

12. *Director Independence.* No Independent Director (including the non-interested members of any Independent Party) of a Regulated Fund will also be a director, general partner, managing member or principal, or otherwise be an "affiliated person" (as defined in the Act) of any Affiliated Fund.

13. *Expenses.* The expenses, if any, associated with acquiring, holding or disposing of any securities acquired in a Co-Investment Transaction (including, without limitation, the expenses of the distribution of any such securities registered for sale under the Securities Act) will, to the extent not payable by the Advisers under their respective advisory agreements with the Regulated Funds and the Affiliated Funds, be shared by the Regulated Funds and the participating Affiliated Funds in proportion to the relative amounts of the securities held or being acquired or disposed of, as the case may be.

14. *Transaction Fees.*³⁰ Any transaction fee (including break-up, structuring, monitoring or commitment fees but excluding brokerage or underwriting compensation permitted by section 17(e) or 57(k)) received in connection with any Co-Investment Transaction will be distributed to the participants on a pro rata basis based on the amounts they invested or committed, as the case may be, in such Co-Investment Transaction. If any transaction fee is to be held by an Adviser pending consummation of the transaction, the fee will be deposited into an account maintained by the Adviser at a bank or banks having the qualifications prescribed in section 26(a)(1), and the account will earn a competitive rate of interest that will also be divided pro rata among the participants. None of the Advisers, the Affiliated Funds, the other Regulated Funds or any affiliated person of the Affiliated Funds or the Regulated Funds will receive any additional compensation or remuneration of any kind as a result of or in connection with a Co-Investment Transaction other than (i) in the case of the Regulated Funds and the Affiliated Funds, the pro rata transaction fees described above and fees or other compensation described in Condition 2(c)(iii)(B)(z), (ii) brokerage or underwriting compensation permitted by section 17(e) or 57(k) or (iii) in the case of the Advisers, investment advisory compensation paid in accordance with investment advisory agreements between the applicable Regulated Fund(s) or Affiliated Fund(s) and its Adviser.

15. *Independence.* If the Holders own in the aggregate more than 25 percent of the Shares of a Regulated Fund, then the Holders will vote such Shares in the same percentages as the Regulated Fund's other shareholders (not including the Holders) when voting on (1) the election of directors; (2) the removal of one or more directors; or (3) any other matter under either the Act or applicable State law affecting the Board's composition, size or manner of election.

For the Commission, by the Division of Investment Management, under delegated authority.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021-13278 Filed 6-23-21; 8:45 am]

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³⁰ Applicants are not requesting and the Commission is not providing any relief for transaction fees received in connection with any Co-Investment Transaction.

SECURITIES AND EXCHANGE COMMISSION**[Investment Company Act Release No. 34300; 812-15131]****Calamos-Avenue Opportunities Fund and Calamos Avenue Management, LLC**

June 14, 2021.

AGENCY: Securities and Exchange Commission ("Commission").**ACTION:** Notice.

Notice of an application under section 6(c) of the Investment Company Act of 1940 (the "Act") for an exemption from sections 18(a)(2), 18(c), and 18(i) of the Act, pursuant to sections 6(c) and 23(c) of the Act, granting an exemption from rule 23c-3 under the Act, and for an order pursuant to section 17(d) of the Act and rule 17d-1 under the Act.

SUMMARY OF APPLICATION: Applicants request an order to permit certain registered closed-end management investment companies to issue multiple classes of shares of beneficial interest ("Shares") and to impose asset-based service and/or distribution fees and early withdrawal charges.

APPLICANTS: Calamos-Avenue Opportunities Fund (the "Initial Fund") and Calamos Avenue Management, LLC (the "Advisor").

FILING DATES: The application was filed on May 27, 2020, and amended on December 16, 2020, and March 17, 2021.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by emailing the Commission's Secretary at *Secretarys-Office@sec.gov* and serving Applicants with a copy of the request by email. Hearing requests should be received by the Commission by 5:30 p.m. on July 9, 2021, and should be accompanied by proof of service on the Applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0-5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing to the Commission's Secretary at *Secretarys-Office@sec.gov*.

ADDRESSES: The Commission: *Secretarys-Office@sec.gov*. Applicants: c/o Richard Horowitz, by email to *richard.horowitz@dechert.com*.

FOR FURTHER INFORMATION CONTACT: Asaf Barouk, Attorney-Advisor, at (202) 551-

4029 or Parisa Haghshenas, 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 by searching the Commission's website, at <http://www.sec.gov/search/search.htm>, using the application's file number or the applicant's name, or by calling the Commission at (202) 551-8090.

Applicants' Representations

1. The Initial Fund is a newly organized Delaware statutory trust registered under the Act as a closed-end management investment company that is operated as an interval fund. The Initial Fund will be classified as a diversified investment company as defined under section 5(b)(1) of the Act. The Initial Fund's investment objectives are to generate attractive risk-adjusted total returns, comprised of both capital appreciation and current income, by opportunistically investing in a global portfolio of distressed credit opportunities and other primarily illiquid debt instruments, complemented by liquid credit and alternative investment

2. The Advisor is a limited liability company organized under the laws of the state of Delaware. The Advisor, established in 2019, will serve as investment adviser to the Initial Fund. The Advisor is registered with the Commission as an investment adviser under the Investment Advisers Act of 1940.

3. The applicants seek an order to permit the Initial Fund to offer investors multiple classes of Shares of beneficial interest with varying sales loads and asset-based service and/or distribution fees and to impose early withdrawal charges.

4. Applicants request that the order also apply to any other registered closed-end management investment company that conducts a continuous offering of its shares, existing now or in the future, for which the Advisor, its successors,¹ or any entity controlling, controlled by, or under common control with the Advisor, or its successors, acts as investment adviser, and which provides periodic liquidity with respect to its Shares through tender offers conducted in compliance with either rule 23c-3 under the Act or rule 13e-4 under the Securities Exchange Act of

¹ A successor in interest is limited to an entity that results from a reorganization into another jurisdiction or a change in the type of business organization.

1934 (the "1934 Act") (each such closed-end investment company, a "Future Fund" and, together with the Initial Fund, each, a "Fund" and collectively, the "Funds").²

5. The Initial Fund intends to issue a class of Shares at net asset value plus the applicable front-end sales load and an annual asset-based distribution and/or service fee (the "Initial Class Shares"). The Shares will be offered on a continuous basis at net asset value per share plus the applicable sales load. The Shares will not be offered or traded in a secondary market and will not be listed on any securities exchange or quoted on any quotation medium. Shareholders of the Initial Fund are not able to have their Shares redeemed or otherwise sell their Shares on a daily basis because the Initial Fund is an unlisted closed-end fund.

6. If the requested relief is granted, the Initial Fund proposes to offer multiple classes of Shares, such as the Initial Class Shares, or any other classes. Because of the different distribution fees, shareholder services fees, and any other class expenses that may be attributable to the different classes, the net income attributable to, and any dividends payable on, each class of Shares may differ from each other from time to time. As a result, the net asset value per Share of the classes may differ over time.

7. Applicants state that, from time to time, the Board of a Fund may create and offer additional classes of Shares, or may vary the characteristics of the Initial Class described in the application, including without limitation, in the following respects: (1) The amount of fees permitted by a Distribution and Shareholder Services Plan as to such class; (2) voting rights with respect to a Distribution and Shareholder Services Plan as to such class; (3) different class designations; (4) the impact of any class expenses directly attributable to a particular class of Shares allocated on a class basis as described in the application; (5) differences in any dividends and net asset values per Share resulting from differences in fees under a distribution plan or in class expenses; (6) any early withdrawal charge or other sales load structure; and (7) any exchange or conversion features, as permitted under the Act.

8. Applicants state that, in order to provide some liquidity to shareholders,

² The Initial Fund and any Future Fund relying on the requested relief will do so in a manner consistent with the terms and conditions of the application. Applicants represent that any person presently intending to rely on the requested relief is listed as an applicant.

the Initial Fund is structured as an “interval fund” and makes semi-annual offers to repurchase between 5% and 25% of its outstanding Shares at net asset value (“NAV”), pursuant to Rule 23c-3 under the Act, unless such offer is suspended or postponed in accordance with regulatory requirements. Any other closed-end investment company that intends to rely on this relief will provide periodic liquidity to shareholders in accordance with either Rule 23c-3 under the Act or Rule 13e-4 under the 1934 Act.

9. Applicants represent that any asset-based service and/or distribution fees of a Fund will comply with the provisions of Rule 2341 of the Rules of the Financial Industry Regulatory Authority (“FINRA Rule 2341”) as if that rule applied to the Fund.³ Applicants also represent that each Fund will disclose in its prospectus the fees, expenses and other characteristics of each class of Shares offered for sale by the prospectus, as is required for open-end, multiple class funds under Form N-1A. As is required for open-end funds, each Fund will disclose its expenses in shareholder reports, and describe any arrangements that result in breakpoints in, or elimination of, sales loads in its prospectus.⁴ In addition, applicants will comply with applicable enhanced fee disclosure requirements for fund of funds, including registered funds of hedge funds.⁵

10. Each Fund and its distributor (the “Distributor”) will also comply with any requirements that may be adopted by the Commission or FINRA regarding disclosure at the point of sale and in transaction confirmations about the costs and conflicts of interest arising out of the distribution of open-end investment company shares, and regarding prospectus disclosure of sales loads and revenue sharing arrangements as if those requirements applied to the Fund and the Distributor. Each Fund or the Distributor will contractually require that any other distributor of the Fund’s Shares comply with such requirements in connection with the distribution of Shares of the Fund.

³ Any references to FINRA Rule 2341 include any successor or replacement rule that may be adopted by the Financial Industry Regulatory Authority (“FINRA”).

⁴ See Shareholder Reports and Quarterly Portfolio Disclosure of Registered Management Investment Companies, Investment Company Act Release No. 26372 (Feb. 27, 2004) (adopting release); and Disclosure of Breakpoint Discounts by Mutual Funds, Investment Company Act Release No. 26464 (June 7, 2004) (adopting release).

⁵ Fund of Funds Investments, Investment Company Act Rel. Nos. 26198 (Oct. 1, 2003) (proposing release) and 27399 (Jun. 20, 2006) (adopting release). See also rules 12d1-1, *et seq.* of the Act.

11. Each Fund will allocate all expenses incurred by it among its various classes of Shares based on the net assets of the Fund attributable to each class, except that the net asset value and expenses of each class will reflect the expenses associated with the Distribution and Shareholder Services Plan of that class (if any), shareholder services fees attributable to a particular class (including transfer agency fees, if any), and any other incremental expenses of that class. Expenses of a Fund allocated to a particular class of the Fund’s Shares will be borne on a pro rata basis by each outstanding Share of that class. Applicants state that each Fund will comply with the provisions of rule 18f-3 under the Act as if it were an open-end investment company.

12. Applicants state that the Initial Fund does not intend to offer any exchange privilege or conversion feature, but any such privilege or feature introduced in the future by a Fund will comply with rule 11a-1, rule 11a-3, and rule 18f-3 as if the Fund were an open-end investment company.

13. Applicants state that the Initial Fund does not currently intend to impose an early withdrawal charge. However, in the future a Fund may impose an early withdrawal charge on shares submitted for repurchase that have been held less than a specified period. The Fund may waive the early withdrawal charge for certain categories of shareholders or transactions to be established from time to time.

Applicants state that each Fund will apply the early withdrawal charge (and any waivers or scheduled variations of the early withdrawal charge) uniformly to all shareholders in a given class and consistently with the requirements of rule 22d-1 under the Act as if the Fund was an open-end investment company.

14. Each Fund operating as an interval fund pursuant to rule 23c-3 under the Act may offer its shareholders an exchange feature under which the shareholders of the Fund may, in connection with such Fund’s periodic repurchase offers, exchange their Shares of the Fund for shares of the same class of (i) registered open-end investment companies or (ii) other registered closed-end investment companies that comply with rule 23c-3 under the Act and continuously offer their shares at net asset value, that are in the Fund’s group of investment companies (collectively, the “Other Funds”). Shares of a Fund operating pursuant to rule 23c-3 that are exchanged for shares of Other Funds will be included as part of the repurchase offer amount for such Fund as specified in rule 23c-3 under the Act. Any exchange option will

comply with rule 11a-3 under the Act, as if the Fund were an open-end investment company subject to rule 11a-3. In complying with rule 11a-3 under the Act, each Fund will treat an early withdrawal charge as if it were a contingent deferred sales load.

15. Applicants state that the Initial Fund does not currently intend to impose a repurchase fee, but may do so in the future.⁶ If a Fund charges a repurchase fee, Shares of the Fund will be subject to a repurchase fee at a rate of no greater than 2% of the shareholder’s repurchase proceeds if the interval between the date of purchase of the Shares and the valuation date with respect to the repurchase of those Shares is less than one year. Repurchase fees, if charged, will equally apply to all classes of Shares of the Fund, consistent with section 18 of the Act and rule 18f-3 thereunder. To the extent a Fund determines to waive, impose scheduled variations of, or eliminate a repurchase fee, it will do so consistently with the requirements of rule 22d-1 under the Act as if the repurchase fee were a contingent deferred sales load and as if the Fund were a registered open-end investment company and the Fund’s waiver of, scheduled variation in, or elimination of, the repurchase fee will apply uniformly to all shareholders of the Fund regardless of class.

Applicants’ Legal Analysis

Multiple Classes of Shares

1. Section 18(a)(2)(A) and (B) makes it unlawful for a registered closed-end investment company to issue a senior security that is a stock unless (a) immediately after such issuance it will have an asset coverage of at least 200% and (b) provision is made to prohibit the declaration of any distribution, upon its common stock, or the purchase of any such common stock, unless in every such case such senior security has at the time of the declaration of any such distribution, or at the time of any such purchase, an asset coverage of at least 200% after deducting the amount of such distribution or purchase price, as the case may be. Applicants state that the creation of multiple classes of shares of the Funds may violate section 18(a)(2) because the Funds may not meet such requirements with respect to a class of shares that may be a senior security.

⁶ Unlike a distribution-related charge, the repurchase fee is payable to the Fund to compensate long-term shareholders for the expenses related to shorter-term investors, in light of the Fund’s generally longer-term investment horizons and investment operations.

2. Section 18(c) of the Act provides, in relevant part, that a registered closed-end investment company may not issue or sell any senior security if, immediately thereafter, the company has outstanding more than one class of senior security. Applicants state that the creation of multiple classes of Shares of a Fund may be prohibited by section 18(c), as a class may have priority over another class as to payment of dividends because shareholders of different classes would pay different fees and expenses.

3. Section 18(i) of the Act provides that each share of stock issued by a registered management investment company will be a voting stock and have equal voting rights with every other outstanding voting stock. Applicants state that permitting multiple classes of Shares of a Fund may violate section 18(i) of the Act because each class would be entitled to exclusive voting rights with respect to matters solely related to that class.

4. Section 6(c) of the Act provides that the Commission may exempt any person, security or transaction or any class or classes of persons, securities or transactions from any provision of the Act, or from any rule or regulation under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants request an exemption under section 6(c) from sections 18(a)(2), 18(c) and 18(i) to permit the Funds to issue multiple classes of Shares.

5. Applicants submit that the proposed allocation of expenses relating to distribution and voting rights among multiple classes is equitable and will not discriminate against any group or class of shareholders. Applicants submit that the proposed arrangements would permit each Fund to facilitate the distribution of its Shares and provide investors with a broader choice of shareholder options. Applicants assert that the proposed closed-end investment company multiple class structure does not raise the concerns underlying section 18 of the Act to any greater degree than open-end investment companies' multiple class structures that are permitted by rule 18f-3 under the Act. Applicants state that each Fund will comply with the provisions of rule 18f-3 as if it were an open-end investment company.

Early Withdrawal Charges

1. Section 23(c) of the Act provides, in relevant part, that no registered closed-end investment company shall

purchase securities of which it is the issuer, except: (a) On a securities exchange or other open market; (b) pursuant to tenders, after reasonable opportunity to submit tenders given to all holders of securities of the class to be purchased; or (c) under other circumstances as the Commission may permit by rules and regulations or orders for the protection of investors.

2. Rule 23c-3 under the Act permits a registered closed-end investment company (an "interval fund") to make repurchase offers of between five and twenty-five percent of its outstanding shares at net asset value at periodic intervals pursuant to a fundamental policy of the interval fund. Rule 23c-3(b)(1) under the Act permits an interval fund to deduct from repurchase proceeds only a repurchase fee, not to exceed two percent of the proceeds, that is paid to the interval fund and is reasonably intended to compensate the fund for expenses directly related to the repurchase.

3. Section 23(c)(3) provides that the Commission may issue an order that would permit a closed-end investment company to repurchase its shares in circumstances in which the repurchase is made in a manner or on a basis that does not unfairly discriminate against any holders of the class or classes of securities to be purchased.

4. Applicants request relief under section 6(c), discussed above, and section 23(c)(3) from rule 23c-3 to the extent necessary for each Fund to impose early withdrawal charges on shares of the Fund submitted for repurchase that have been held for less than a specified period.

5. Applicants state that the early withdrawal charges they intend to impose are functionally similar to contingent deferred sales loads imposed by open-end investment companies under rule 6c-10 under the Act. Rule 6c-10 permits open-end investment companies to impose contingent deferred sales loads, subject to certain conditions. Applicants note that rule 6c-10 is grounded in policy considerations supporting the employment of contingent deferred sales loads where there are adequate safeguards for the investor and state that the same policy considerations support imposition of early withdrawal charges in the interval fund context. In addition, applicants state that early withdrawal charges may be necessary for the Fund's Distributor to recover distribution costs. Applicants represent that any early withdrawal charge imposed by a Fund will comply with rule 6c-10 under the Act as if the rule were applicable to closed-end investment companies. Each

Fund will disclose early withdrawal charges in accordance with the requirements of Form N-1A concerning contingent deferred sales loads.

Asset-Based Service and/or Distribution Fees

1. Section 17(d) of the Act and rule 17d-1 under the Act prohibit an affiliated person of a registered investment company or an affiliated person of such person, acting as principal, from participating in or effecting any transaction in connection with any joint enterprise or joint arrangement in which the investment company participates unless the Commission issues an order permitting the transaction. In reviewing applications submitted under section 17(d) and rule 17d-1, the Commission considers whether the participation of the investment company in a joint enterprise or joint arrangement is consistent with the provisions, policies and purposes of the Act, and the extent to which the participation is on a basis different from or less advantageous than that of other participants.

2. Rule 17d-3 under the Act provides an exemption from section 17(d) and rule 17d-1 to permit open-end investment companies to enter into distribution arrangements pursuant to rule 12b-1 under the Act. Applicants request an order under section 17(d) and rule 17d-1 under the Act to permit each Fund to impose asset-based service and/or distribution fees. Applicants have agreed to comply with rules 12b-1 and 17d-3 as if those rules applied to closed-end investment companies, which they believe will resolve any concerns that might arise in connection with a Fund financing the distribution of its shares through asset-based service and/or distribution fees.

For the reasons stated above, applicants submit that the exemptions requested under section 6(c) are necessary and appropriate in the public interest and are consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants further submit that the relief requested pursuant to section 23(c)(3) will be consistent with the protection of investors and will ensure that applicants do not unfairly discriminate against any holders of the class of securities to be purchased. Finally, applicants state that the Funds' imposition of asset-based service and/or distribution fees is consistent with the provisions, policies and purposes of the Act and does not involve participation on a basis different from or less

advantageous than that of other participants.

Applicants' Condition

Applicants agree that any order granting the requested relief will be subject to the following condition:

Each Fund relying on the requested order will comply with the provisions of rules 6c-10, 12b-1, 17d-3, 18f-3, 22d-1 and, where applicable, 11a-3 under the Act, as amended from time to time or replaced, as if those rules applied to closed-end management investment companies, and will comply with FINRA Rule 2341, as amended from time to time, as if that rule applied to all closed-end management investment companies.

For the Commission, by the Division of Investment Management, under delegated authority.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021-13280 Filed 6-23-21; 8:45 am]

BILLING CODE 8011-01-P

DEPARTMENT OF STATE

[Public Notice Number: 11453]

Overseas Schools Advisory Council Charter Renewal

ACTION: Notice of renewal of an advisory committee charter.

SUMMARY: The Secretary of State announces the renewal of the charter of the Overseas Schools Advisory Council in accordance with the Federal Advisory Committee Act. The main objectives of the Council are:

(a) To advise the Department of State regarding matters of policy and funding for the overseas schools;

(b) To help the overseas schools become showcases for excellence in education;

(c) To help make service abroad more attractive to American citizens who have school-age children, both in the business community and in Government;

(d) To identify methods to mitigate risks to American private sector interests worldwide.

FOR FURTHER INFORMATION CONTACT: Thomas Shearer, Director of the Office of Overseas Schools and Executive Secretary for the Committee, at (202) 261-8200 or *OverseasSchools@state.gov*.

Zachary A. Parker,

Director, Office of Directives Management, U.S. Department of State.

[FR Doc. 2021-13414 Filed 6-23-21; 8:45 am]

BILLING CODE 4710-24-P

DEPARTMENT OF STATE

[Public Notice: 11446]

Notice of Department of State—Delisting Sanctioned Entities

SUMMARY: The Secretary of State has determined to terminate the sanctions that were imposed, pursuant to Executive Order (E.O.) 13846, on Aoxing Ship Management (Shanghai) Ltd and Sea Charming Shipping Company Limited and remove those entities from the List of Specially Designated Nationals and Blocked Persons (SDN List) maintained by the Department of the Treasury's Office of Foreign Assets Control (OFAC).

DATES: The Secretary of State's determination and selection of certain sanctions to be imposed upon the two entities identified in the **SUPPLEMENTARY INFORMATION** section was effective as of March 18, 2020. The Secretary of State's subsequent termination of sanctions with respect to those entities was effective as of June 10, 2021.

FOR FURTHER INFORMATION CONTACT: Taylor Ruggles, Director, Office of Economic Sanctions Policy and Implementation, Bureau of Economic and Business Affairs, Department of State, Washington, DC 20520, tel.: (202) 647 7677, email: *RugglesTV@state.gov*.

SUPPLEMENTARY INFORMATION: On June 10, 2021, the Secretary of State determined that the sanctions that had been imposed with respect to Aoxing Ship Management (Shanghai) Ltd and Sea Charming Shipping Company Limited on March 18, 2020 pursuant to section 3(a)(iii) of E.O. 13846 were terminated as of June 10, 2021. Accordingly, Aoxing Ship Management (Shanghai) Ltd and Sea Charming Shipping Company Limited are being removed from the SDN List.

Peter Haas,

Acting Assistant Secretary, Bureau of Economic and Business Affairs, Department of State.

[FR Doc. 2021-13241 Filed 6-23-21; 8:45 am]

BILLING CODE 4710-AE-P

DEPARTMENT OF STATE

[Public Notice: 11451]

Notice of Determinations; Culturally Significant Object Being Imported for Exhibition—Determinations: "Of Gods and Glamour" Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that one object being imported from abroad pursuant to an agreement with its foreign owner or

custodian for temporary display in the exhibition "Of Gods and Glamour" at the Art Institute of Chicago, in Chicago, Illinois, and at possible additional exhibitions or venues yet to be determined, is of cultural significance, and, further, that its temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Chi D. Tran, Program Administrator, Office of the Legal Adviser, U.S. Department of State (telephone: 202-632-6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA-5, Suite 5H03, Washington, DC 20522-0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236-3 of August 28, 2000.

Matthew R. Lussenhop,

Acting Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2021-13355 Filed 6-23-21; 8:45 am]

BILLING CODE 4710-05-P

SURFACE TRANSPORTATION BOARD

60-Day Notice of Intent to Seek Reinstatement Without Change: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

ACTION: Notice and request for comments.

AGENCY: Surface Transportation Board.
SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Surface Transportation Board (STB or Board) gives notice that it is requesting from the Office of Management and Budget (OMB) a reinstatement without change of Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery. This collection was developed as part of a Federal Government-wide effort to streamline the process for seeking feedback from the public on the Board's service delivery.

DATES: Comments on this information collection should be submitted by August 23, 2021.

ADDRESSES: Direct all comments to Chris Oehrle, PRA Officer, Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001, or to *pra@stb.gov*. When submitting comments, please refer to “Paperwork Reduction Act Comments, Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.”

FOR FURTHER INFORMATION CONTACT: Regarding this collection, contact Michael Higgins, Acting Director, Office of Public Assistance, Governmental Affairs, and Compliance, at (202) 245-0284 or at *Michael.Higgins@stb.gov*. Assistance for the hearing impaired is available through the Federal Relay Service at (800) 877-8339.

SUPPLEMENTARY INFORMATION: Comments are requested concerning: (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. Submitted comments will be summarized and included in the Board’s request for OMB approval.

Description of Collection

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

OMB Control Number: 2140-0019.

STB Form Number: None.

Type of Review: Extension without change.

Respondents: Customers and stakeholders of the Board.

Number of Respondents, Frequency, Estimated Time Per Response, and Total Burden Hours: A variety of instruments and platforms may be used to collect information from respondents. The estimated annual burden hours (277) are based on the number of collections we expect to conduct over the requested period for this clearance, as set forth in the table below.

ESTIMATED ANNUAL REPORTING BURDEN

Type of collection	Number of respondents	Annual frequency per response	Hours per response	Total hours
Focus Group	15	1	2	30
Comment Card/Brief Survey	200	2	.17	67
Surveys	150	2	.6	180

Needs and Uses: The proposed information collection activity provides a means to garner qualitative customer and stakeholder feedback in an efficient and timely manner, in accordance with the Administration’s commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences, and expectations; provide an early warning with issues about how the Board provides service to the public; or focus attention on areas where communication, training, or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative, and actionable communications between the Board and its customers and stakeholders. They will also allow feedback to contribute directly to the improvement of program management.

The solicitation of feedback will target areas such as: Timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery. Responses will be assessed to plan and inform efforts to improve or maintain the quality of service offered to the public. If this information is not collected, vital feedback from customers and stakeholders on the Board’s services will be unavailable.

The Board will only process a collection under this generic clearance if it meets the following conditions:

- The collections are voluntary;
- the collections are low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and are low-cost for both the respondents and the Federal Government;
- the collections are non-controversial and do not raise issues of concern to other Federal agencies;
- any collection is targeted to the solicitation of opinions from

respondents who have experience with the program or may have experience with the program in the near future;

- personally identifiable information is collected only to the extent necessary and is not retained;
- information gathered will be used only internally for general service improvement and program management purposes and not for release outside of the agency;
- information gathered will not be used for the purpose of substantially informing influential policy decisions; and
- information gathered will yield qualitative information, and the collections will not be designed or expected to yield statistically reliable results or used as though the results are generalizable to the population of study.

Feedback collected under this generic clearance provides useful information, but will not yield data that can be generalized to the overall population. Such data uses would require more rigorous designs than the collections covered by this notice.

As a general matter, information collections will not result in any new

system of records containing privacy information and will not ask questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

Under the PRA, a federal agency conducting or sponsoring a collection of information must display a currently valid OMB control number. Comments submitted in response to this notice may be made available to the public by the Board. 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 electronic comment (e-file or email), your email address is automatically captured and may be accessed if your comments are made public. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comments that may be made available to the public notwithstanding the inclusion of the routine notice.

Dated: June 17, 2021.

Tammy Lowry,
Clearance Clerk.

[FR Doc. 2021-13233 Filed 6-23-21; 8:45 am]

BILLING CODE 4915-01-P

SURFACE TRANSPORTATION BOARD

[Docket No. EP 290 (Sub-No. 5) (2021-3)]

Quarterly Rail Cost Adjustment Factor

AGENCY: Surface Transportation Board.

ACTION: Approval of rail cost adjustment factor.

SUMMARY: The Board approves the third quarter 2021 Rail Cost Adjustment Factor (RCAF) and cost index filed by the Association of American Railroads. The third quarter 2021 RCAF (Unadjusted) is 1.134. The third quarter 2021 RCAF (Adjusted) is 0.472. The third quarter 2021 RCAF-5 is 0.445.

DATES: *Applicability Date:* July 1, 2021.

FOR FURTHER INFORMATION CONTACT: Pedro Ramirez at (202) 245-0333. Assistance for the hearing impaired is available through the Federal Relay Service at (800) 877-8339.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Board's decision, which is available at www.stb.gov.

Decided: June 17, 2021.

By the Board, Board Members Begeman, Fuchs, Oberman, Primus and Schultz.

Tammy Lowry,
Clearance Clerk.

[FR Doc. 2021-13202 Filed 6-23-21; 8:45 am]

BILLING CODE 4915-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Commercial Space Transportation Advisory Committee—Charter Renewal

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

ACTION: Announcement of renewal of the Commercial Space Transportation Advisory Committee (COMSTAC) charter.

SUMMARY: FAA announces the renewal of the COMSTAC charter, a Federal Advisory Committee that provides information, advice, and recommendations to DOT and the FAA on the critical matters facing the U.S. commercial space transportation industry. This renewal will take effect the day of publication of this announcement, and will expire after 2 years.

FOR FURTHER INFORMATION CONTACT: James A. Hatt, COMSTAC Designated Federal Officer, FAA, Commercial Space Transportation, 800 Independence Avenue SW, Rm. 331, Washington, DC 20591, telephone (202) 267-7635, email james.a.hatt@faa.gov.

SUPPLEMENTARY INFORMATION: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), FAA is giving notice of the renewal of the COMSTAC charter. The primary goals of COMSTAC are to: Evaluate economic, technological, and institutional developments relating to the U.S. commercial space transportation industry; provide a forum for the discussion of issues involving the relationship between industry activities and government requirements; in order to provide advice and recommendations to the Secretary on issues and approaches for Federal policies and programs regarding the industry. COMSTAC membership consists of senior executives from the commercial space transportation industry; representatives from the satellite industry, both manufacturers and users; state and local government officials; representatives from firms providing insurance, financial investment and legal services for commercial space activities; and representatives from academia, space

advocacy organizations, and industry associations. Complete information regarding COMSTAC is available on the FAA website at: http://www.faa.gov/about/office_org/headquarters_offices/ast/advisory_committee/.

Signed in Washington, DC, on June 11, 2021.

Peter Paul Montgomery Buttigieg,
Secretary of Transportation.

[FR Doc. 2021-13359 Filed 6-23-21; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Availability for Spaceport Camden Final Environmental Impact Statement (EIS), Camden County, GA

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

ACTION: Notice of availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969, as amended (NEPA), Council on Environmental Quality NEPA implementing regulations, and FAA Order 1050.1F, *Environmental Impacts: Policies and Procedures*, the FAA is announcing the availability of the Spaceport Camden Final EIS.

FOR FURTHER INFORMATION CONTACT: Stacey Zee, Environmental Protection Specialist, Federal Aviation Administration, 800 Independence Avenue SW, Suite 325, Washington, DC 20591; phone (202) 267-9305; email Stacey.Zee@faa.gov.

SUPPLEMENTARY INFORMATION: The FAA is the lead agency. The National Aeronautics and Space Administration and National Park Service are cooperating agencies for the Spaceport Camden Final EIS due to their special expertise and jurisdictions.

The FAA is evaluating the Camden County Board of Commissioners' proposal to operate a commercial space launch site called Spaceport Camden, on the Atlantic seaboard in Camden County, Georgia. Issuing a Launch Site Operator License is considered a major Federal action subject to environmental review under NEPA. Under the Proposed Action, the FAA would issue a Launch Site Operator License to the Camden County Board of Commissioners. The license would authorize the Camden County Board of Commissioners to offer Spaceport Camden as a launch site to vehicle operators to conduct launches of liquid-fueled, small, orbital vertical launch vehicles at Spaceport Camden.

The Final EIS evaluated the potential environmental impacts of the Proposed Action and the No Action Alternative. Under the No Action Alternative, the FAA would not issue a Launch Site Operator License to the Camden County Board of Commissioners.

The FAA published a Draft EIS for public review and comment on March 16, 2018. The FAA held a public hearing on Wednesday, April 11, and another on Thursday, April 12, 2018 at Camden County Public Service Authority Recreation Center Community Room, 1050 Wildcat Drive, Kingsland, GA 31548. The FAA received over 15,500 public comments on the Draft EIS (see Appendix A of the Final EIS). All comments received during the comment period were considered in the preparation of the Final EIS.

The Final EIS addresses modifications to the Proposed Action since the release of the 2018 Draft EIS and includes corresponding updates across all environmental resource areas. In December 2019, Camden County notified the FAA that it intended to submit an amended application for a Launch Site Operator License that would limit proposed launch operations to small launch vehicles, as opposed to the medium-large launch vehicles included in its original application and analyzed by the FAA in the Draft EIS. The County submitted an amended application on January 15, 2020. The amended application included data and analyses specific to launches of small launch vehicles. The amended application omitted booster flybacks, which are not a capability of small launch vehicles, and reduced the range of potential trajectories identified in the original application to a single 100 degree trajectory. The FAA has updated the EIS analyses to focus only on the small launch capability and parameters described in Camden County's amended application.

The FAA has posted the Final EIS on the FAA Office of Commercial Space Transportation website: https://www.faa.gov/space/environmental/nepa_docs/camden_eis/. In addition, links to the Final EIS were sent to persons and agencies on the distribution list (see Chapter 9 of the Final EIS). Printed copies of the Final EIS are available for review at the following locations:

- Camden County Public Library, 1410 Georgia Highway 40, Kingsland, GA 31548
- St. Marys Public Library, 100 Herb Bauer Drive, St. Marys, GA 31558
- Brunswick-Glynn County Library, 208 Gloucester Street, Brunswick, GA 31520

- St. Simons Island Public Library, 530A Beachview Drive, St. Simons Island, GA 31522

Issued in Washington, DC.

Daniel P. Murray,

Executive Director, Office of Operational Safety.

[FR Doc. 2021-13464 Filed 6-23-21; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA-2021-0549]

Agency Information Collection

Activities: Requests for Comments; Clearance of a Renewed Approval of Information Collection: Part 65—Certification: Airmen Other Than Flight Crewmembers, Subpart C—Aircraft Dispatchers and Appendix A to Part 65—Aircraft Dispatcher Courses

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

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. This collection involves the information that each applicant for an aircraft dispatcher certificate or FAA approval of an aircraft dispatcher course must submit to the FAA. These applications, reports and training course materials are provided to the local Flight Standards District Office of the FAA that oversees the certificates and FAA approvals. The collection is necessary for the FAA to determine qualification and the ability of the applicant to safely dispatch aircraft. Without this collection of information, applicants for a certificate or course approval would not be able to receive certification or approval. The collection of information for those who choose to train aircraft dispatcher applicants is to protect the applicants by ensuring that they are properly trained.

DATES: Written comments should be submitted by August 23, 2021.

ADDRESSES: Please send written comments:

By Electronic Docket:

www.regulations.gov (Enter docket number into search field).

By Mail: Sandra Ray, Federal Aviation Administration, Policy Integration

Branch AFS-270, 1187 Thorn Run Road, Suite 200, Coraopolis, PA 15108.
By Fax: 412-239-3063.

FOR FURTHER INFORMATION CONTACT:

Sandra L. Ray by email at: Sandra.ray@faa.gov; phone: 412-329-3088.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

OMB Control Number: 2120-0648.

Title: Part 65—Certification: Airmen Other Than Flight Crewmembers, Subpart C—Aircraft Dispatchers and Appendix A to Part 65—Aircraft Dispatcher Courses.

Form Numbers: None.

Type of Review: Renewal of an information collection.

Background: This collection involves the information that each applicant for an aircraft dispatcher certificate or FAA approval of an aircraft dispatcher course must submit to the FAA to comply with 14 CFR part 65, subpart C and Appendix A. These applications, reports and training course materials are provided to the responsible Flight Standards Office of the FAA that oversees the certificates and FAA approvals.

This collection involves the knowledge testing that each applicant for an aircraft dispatcher certificate must successfully complete or information required to obtain FAA approval of an aircraft dispatcher course in order to comply with 14 CFR part 65, subpart C and Appendix A. These applications, reports and training course materials are provided to the responsible Flight Standards Office of the FAA which oversees the certificates and FAA approvals.

The collection is necessary for the FAA to determine qualification and the ability of the applicant to safely dispatch aircraft. Without this collection of information, applicants for a certificate or course approval would not be able to receive certification or approval. The collection of information for those who choose to train aircraft dispatcher applicants is to protect the applicants by ensuring that they are properly trained.

Respondents: 51 Dispatch Schools and 918 Students.

Frequency: As required by regulation.
Estimated Average Burden per Response: Varies per requirement.
Estimated Total Annual Burden: 5,393.75 Hours.

Issued in Washington, DC, on June 21, 2021.

Sandra L. Ray,

Aviation Safety Inspector. AFS-270.

[FR Doc. 2021-13253 Filed 6-23-21; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Highway in California

AGENCY: Federal Highway Administration (FHWA), Department of Transportation (DOT).

ACTION: Notice of limitation on claims for judicial review of actions by the California Department of Transportation (Caltrans).

SUMMARY: The FHWA, on behalf of Caltrans, is issuing this notice to announce actions taken by Caltrans that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to the proposed Eastbound (EB) State Route 91 (SR-91) Atlantic Ave. to Cherry Ave. Auxiliary Lane Improvements Project on SR-91 at post mile R11.8 to R13.2 within the County of Los Angeles, State of California. Those actions grant licenses, permits, and approvals for the project.

DATES: By this notice, the FHWA, on behalf of Caltrans, is advising the public of 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 22, 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 Caltrans: Thoa Le, Senior Environmental Planner, Division of Environmental Planning, California Department of Transportation—District 7, 100 South Main Street, Los Angeles, CA 90012. Office hours: 8 a.m. to 5 p.m., telephone: (213) 266-6875, email: D07.91AtlanticToCherry@dot.ca.gov. For FHWA, contact David Tedrick at (916) 498-5024 or email david.tedrick@dot.gov.

SUPPLEMENTARY INFORMATION: Effective July 1, 2007, FHWA assigned, and the Caltrans assumed, environmental responsibilities for this project pursuant

to 23 U.S.C. 327. Notice is hereby given that the Caltrans, has taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing licenses, permits, and approvals for the following highway project in the State of California: The Los Angeles County Metropolitan Transportation Authority (Metro), in cooperation with the Gateway Cities Council of Governments and Caltrans proposes to develop and implement an auxiliary lane on EB SR-91 within a 1.4-mile segment from the southbound Interstate 710 interchange connector to EB SR-91, to Cherry Avenue to enhance safety conditions, reduce congestion, and improve freeway operations. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Final Initial Study (IS)/Environmental Assessment (EA) with Mitigated Negative Declaration (MND)/Finding of No Significant Impact (FONSI) approved on May 24, 2021, and in other documents in the FHWA project records. The Final IS/EA with MND/FONSI, and other project records are available by contacting Caltrans at the addresses provided above. The Caltrans Final IS/EA with MND/FONSI can be viewed and downloaded from Reports menu on the project website at: <https://www.metro.net/projects/i-605-corridor-hot-spots-program/SR-91-early-action-projects/> or viewed at Michelle Obama Neighborhood Library in the city of Long Beach. 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) National Environmental Policy Act (NEPA) of 1969;
- (2) Federal Aid Highway Act of 1970;
- (3) U.S. EPA Section 404(b)(1) Guidelines (40 Code of Federal Regulations [CFR] 230);
- (4) Clean Air Act Amendments of 1990 (CAAA);
- (5) Clean Water Act of 1977 and 1987;
- (6) Federal Water Pollution Control Act of 1972 (see Clean Water Act of 1977 & 1987);
- (7) Safe Drinking Water Act of 1944, as amended;
- (8) Endangered Species Act of 1973;
- (9) Executive Order 13112, Invasive Species;
- (10) Migratory Bird Treaty Act;
- (11) Fish and Wildlife Coordination Act of 1934, as amended;
- (12) Coastal Zone Management Act of 1972;
- (13) Title VI of the Civil Rights Act of 1964, as amended.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning

and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(l)(1).

Issued on: June 15, 2021.

Rodney Whitfield,

Director, Financial Services, Federal Highway Administration, California Division.

[FR Doc. 2021-13444 Filed 6-23-21; 8:45 am]

BILLING CODE 4910-RY-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2021-0025]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of applications for exemption; request for comments.

SUMMARY: FMCSA announces receipt of applications from four individuals for an exemption from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with a clinical diagnosis of epilepsy or any other condition that is likely to cause a loss of consciousness or any loss of ability to control a commercial motor vehicle (CMV) to drive in interstate commerce. If granted, the exemptions would enable these individuals who have had one or more seizures and are taking anti-seizure medication to operate CMVs in interstate commerce.

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

ADDRESSES: You may submit comments identified by the Federal Docket Management System (FDMS) Docket No. FMCSA-2021-0025 using any of the following methods:

- *Federal eRulemaking Portal:* Go to www.regulations.gov/, insert the docket number, FMCSA-2021-0025, 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 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-2021-0025), 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/docket?D=FMCSA-2021-0025. 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-2021-0025, 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.

C. 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 four individuals listed in this notice have requested an exemption from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

The physical qualification standard for drivers regarding epilepsy found in § 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria¹ to assist medical examiners (MEs) in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce.

The criteria states that if an individual has had a sudden episode of a non-epileptic seizure or loss of consciousness of unknown cause that did not require anti-seizure medication, the decision whether that person's condition is likely to cause the loss of consciousness or loss of ability to control a CMV should be made on an individual basis by the ME in consultation with the treating physician. Before certification is considered, it is suggested that a 6-month waiting period elapse from the time of the episode. Following the waiting period, it is suggested that the individual have a complete neurological examination. If the results of the examination are negative and anti-seizure medication is not required, then the driver may be qualified.

In those individual cases where a driver has had a seizure or an episode of loss of consciousness that resulted from a known medical condition (e.g., drug reaction, high temperature, acute infectious disease, dehydration, or acute metabolic disturbance), certification should be deferred until the driver has recovered fully from that condition, has no existing residual complications, and is not taking anti-seizure medication.

Drivers who have a history of epilepsy/seizures, off anti-seizure medication, and seizure-free for 10 years, may be qualified to operate a CMV in interstate commerce. Interstate drivers with a history of a single unprovoked seizure may be qualified to drive a CMV in interstate commerce if seizure-free and off anti-seizure medication for a 5-year period or more.

As a result of MEs misinterpreting advisory criteria as regulation, numerous drivers have been prohibited from operating a CMV in interstate commerce based on the fact that they have had one or more seizures and are taking anti-seizure medication, rather than an individual analysis of their circumstances by a qualified ME based on the physical qualification standards and medical best practices.

On January 15, 2013, FMCSA announced in a Notice of Final Disposition titled, "Qualification of

¹ These criteria may be found in APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. *Epilepsy*: § 391.41(b)(8), paragraphs 3, 4, and 5, which is available on the internet at <https://www.gpo.gov/fdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-appA.pdf>.

Drivers; Exemption Applications; Epilepsy and Seizure Disorders,” (78 FR 3069), its decision to grant requests from 22 individuals for exemptions from the regulatory requirement that interstate CMV drivers have “no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.” Since that time, the Agency has published additional notices granting requests from individuals for exemptions from the regulatory requirement regarding epilepsy found in § 391.41(b)(8).

To be considered for an exemption from the epilepsy and seizure disorders prohibition in § 391.41(b)(8), applicants must meet the criteria in the 2007 recommendations of the Agency’s Medical Expert Panel (78 FR 3069).

III. Qualifications of Applicants

Charles Anthony

Mr. Anthony is a 44 year-old class D driver’s license holder in North Dakota. He has a history of epilepsy and has been seizure free since 2006. He takes anti-seizure medication with the dosage and frequency remaining the same since 1991. His physician states that he is supportive of Mr. Anthony receiving an exemption.

Jeffrey Douglass

Mr. Douglass is a 40 year-old class B CDL holder in Maine. He has a history of partial complex epilepsy and has been seizure free since April 2010. He takes anti-seizure medication with the dosage and frequency remaining the same since April 2010. His physician states that he is supportive of Mr. Douglass receiving an exemption.

Phillip Halfmann

Mr. Halfmann is a 30 year-old class DM driver’s license holder in Wisconsin. He has a history of seizure and has been seizure free since 2011. He is currently not taking any anti-seizure medications and has not been prescribed anti-seizure medication since 2011. His physician states that he is supportive of Mr. Halfmann receiving an exemption.

Christopher Nonnenkamp

Mr. Nonnenkamp is a 47 year-old class E driver’s license holder in Missouri. He has a history of generalized idopathic epilepsy and has been seizure free since 2010. He takes anti-seizure medication with the dosage and frequency remaining the same since 2010. His physician states that he is supportive of Mr. Nonnenkamp receiving an exemption.

IV. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315(b), FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated under the **DATES** section of the notice.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2021-13389 Filed 6-23-21; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA-2021-0064]

Petition for Approval: Alaska Railroad Corporation Approval Extension

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of conditional approval.

SUMMARY: FRA is issuing this notice of conditional approval to Alaska Railroad Corporation (ARRC) in response to its August 29, 2020, petition to extend FRA’s approval authorizing ARRC’s transport of Liquefied Natural Gas (LNG) by rail in cryogenic portable tanks (T75, UN cryogenic portable tanks or cryogenic ISO tanks).

DATES: Comments are requested no later than August 23, 2021. FRA will consider comments received after that date to the extent possible, without incurring additional expense or delay.

ADDRESSES: All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- **Website:** <http://www.regulations.gov>. Follow the online instructions for submitting comments.

- **Email:** hmassist@dot.gov.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to <http://www.regulations.gov/>, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <https://www.transportation.gov/privacy>. See

also <https://www.regulations.gov/privacyNotice> for the privacy notice of [regulations.gov](https://www.regulations.gov).

FOR FURTHER INFORMATION CONTACT:

Mark Maday, Staff Director—Hazardous Materials Division, Office of Railroad Safety, FRA, telephone: (202) 493-0479 or email: Mark.Maday@dot.gov.

SUPPLEMENTARY INFORMATION: On August 29, 2020, ARRC petitioned FRA for an extension of an Approval granted by the Associate Administrator for Railroad Safety in accordance with 49 CFR 174.63 of the Hazardous Materials Regulations. FRA assigned the petition Docket Number FRA-2021-0064.

Specifically, ARRC sought extension of the approval issued under § 174.63 to transport Methane, refrigerated liquid, UN 1972, Division 2.1 (Flammable gas), also commonly referred to as LNG, by rail in UN cryogenic portable tanks secured on flat cars via the following routes: (1) Mainline service between Seward, AK and Fairbanks, AK, and (2) branch line service of approximately 12 miles between the Port of Whittier, AK, and milepost 64.3 of the ARRC mainline.

ARRC notes in its petition that it has not begun to commercially transport LNG under the terms of its approval. However, in its petition ARRC also notes that there is still a need for a clean and affordable energy source for interior Alaska. As a state-owned railroad operating under a statutory mandate to provide safe, efficient, and economical transportation to meet the overall needs of the state and its citizens, the ARRC is positioned to facilitate the solution. Additionally, ARRC suggests that demand for natural gas transportation is increasing, citing the recent installation of a 5.2-million-gallon storage tank by the natural gas distributor in Fairbanks, AK. ARRC describes ongoing business negotiations and developments that could soon result in opportunities to move LNG commercially by rail. Finally, ARRC projects that once commercial operations commence under the terms of the approval, there may be a need to move as much as 60 portable tanks of product every 4 days, utilizing two portable tanks per flatcar and a maximum of 30 flatcars per train.

FRA first granted ARRC’s petition in 2015. FRA’s safety assessment was based upon detailed information provided by the ARRC, including results of assessments that were conducted by ARRC and evaluated by FRA technical experts for the routes over which LNG would be moved. In 2017, FRA modified the approval to expand the authorization to include the additional 12-mile branch line route from Port of

Whittier, AK, to milepost 64.3 of the ARRC mainline. The previous approval includes conditions to reduce risks to public safety and the environment. FRA's previous approval letters are available in this public Docket for reference.

Although ARRC hasn't yet moved any product commercially by rail, under the terms of FRA's previous approval, LNG has been moved commercially in portable tanks on other rail networks since 2017 without incident. FRA is basing this approval on risk assessments for similar operations it has approved. An analysis under the National Environmental Policy Act was conducted for this approval; it was determined to be covered by the categorical exclusion in 23 CFR 771.116(c)(15).

FRA recognizes that public interest involving the safe transportation of petroleum products and specifically LNG is heightened, given recent regulatory actions. On July 24, 2020, the Pipeline and Hazardous Materials Safety Administration published a final rule¹ authorizing the transportation of LNG in cryogenic tank cars with enhanced outer tanks (e.g., DOT-113C120W9). In the final rule, PHMSA indicated that 445 comments were submitted to the docket during the comment period.² In light of the heightened public interest in the safe transportation of petroleum products, FRA believes it is appropriate to provide public notice and opportunity to comment on FRA's approval, to ensure that it contains all necessary conditions to ensure the safety of ARRC's LNG operations.

FRA approves ARRC's request conditioned on compliance with appropriate safety measures. All conditions of FRA's prior approvals for ARRC remain in effect, with additional conditions added to ensure safe operations. Below, FRA has generally listed its conditions of approval, but further details on these conditions are available in FRA's conditional approval letter in the public docket.

1. Mandatory inspections.
2. Mandatory trainings.
3. Load limitations.
4. Reporting requirements.
5. Container number restrictions.
6. Prohibition on double stacking.
7. Train placement requirement.
8. Speed restrictions.
9. Regular oversight.
10. Risk assessment.

FRA's approval is effective through December 31, 2022. If ARRC desires to

continue operations under this approval after December 31, 2022, it must notify FRA of its intent to continue operations no later than September 1, 2022. If ARRC desires to modify its operations from those permitted by FRA's approval letter, it must obtain FRA's approval before implementing the proposed modification(s).

Issued in Washington, DC.

John Karl Alexy,
Associate Administrator for Railroad Safety
Chief Safety Officer.

[FR Doc. 2021-13447 Filed 6-23-21; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[Docket No. FTA-2021-0006]

Agency Information Collection Activity Under OMB Review

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the Federal Transit Administration (FTA) to request the Office of Management and Budget (OMB) approve the extension of a currently approved information collection, previously initiated as a request for emergency OMB approval. The FTA is collecting this information to inform FTA actions to support the transit industry's COVID-19 recovery efforts. The information collection requirements describe the nature of the information collection and their expected burdens.

DATES: Comments must be submitted before August 23, 2021.

ADDRESSES: To ensure that your comments are not entered more than once into the docket, submit comments identified by the docket number by only one of the following methods:

1. *Website:* www.regulations.gov. Follow the instructions for submitting comments on the U.S. Government electronic docket site. (*Note:* The U.S. Department of Transportation's (DOT's) electronic docket is no longer accepting electronic comments.) All electronic submissions must be made to the U.S. Government electronic docket site at www.regulations.gov. Commenters should follow the directions below for mailed and hand-delivered comments.

2. *Fax:* 202-366-7951.

3. *Mail:* U.S. Department of Transportation, 1200 New Jersey Avenue SE, Docket Operations, M-30,

West Building, Ground Floor, Room W12-140, Washington, DC 20590-0001.

4. *Hand Delivery:* U.S. Department of Transportation, 1200 New Jersey Avenue SE, Docket Operations, M-30, West Building, Ground Floor, Room W12-140, Washington, DC 20590-0001 between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

Instructions: You must include the agency name and docket number for this notice at the beginning of your comments. Submit two copies of your comments, if you submit them by mail. For confirmation that FTA has received your comments, include a self-addressed stamped postcard. Note that all comments received, including any personal information, will be posted and will be available to internet users, without change, to www.regulations.gov. You may review DOT's complete Privacy Act Statement in the **Federal Register** published April 11, 2000, (65 FR 19477), or you may visit www.regulations.gov.

Docket: For access to the docket to read background documents and comments received, go to www.regulations.gov at any time. Background documents and comments received may also be viewed at the U.S. Department of Transportation, 1200 New Jersey Avenue SE, Docket Operations, M-30, West Building, Ground Floor, Room W12-140, Washington, DC 20590-0001 between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Candace Key, Office of Transit Safety and Oversight—Office of System Safety, 1200 New Jersey Avenue SE, Mail Stop TSO-10, Washington, DC 20590 (202) 366-1783 or candace.key@dot.gov.

SUPPLEMENTARY INFORMATION: Interested parties are invited to send comments regarding any aspect of this information collection, including: (1) The necessity and utility of the information collection for the proper performance of the functions of the FTA; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the collected information; and (4) ways to minimize the collection burden without reducing the quality of the collected information. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection.

Title: Transit COVID Response Program

(OMB Number: 2132-0581)

Background: COVID-19 continues to pose significant challenges for the

¹ 85 FR 44994.

² See Docket No. PHMSA-2018-0025 available at www.regulations.gov.

transit industry. Numerous transit providers have suspended service and a greater number have reduced service. Yet, throughout the COVID-19 public health emergency, transit agencies across the country continue to provide millions of trips to lifeline services, including transporting healthcare personnel and other essential workers on the front line of the Nation's COVID-19 response. Transit agencies also offer additional essential services to support communities during the public health emergency, such as meal delivery and Wi-Fi access in underserved areas. Many transit agencies are also serving a critical role in providing free or reduced-cost transportation to vaccination sites and appointments, and using their facilities and vehicles as vaccination sites. Accordingly, the U.S. Department of Homeland Security's Cybersecurity and Infrastructure Security Agency designates transit workers as essential critical infrastructure workers.

Transit agencies and other stakeholders have expressed concerns about the risk of COVID-19 to the transit industry and, along with the FTA, have taken steps to address these concerns. Numerous transit agencies have implemented mitigations to limit the transmission of SARS-CoV-2, the virus that causes COVID-19, among their workers and within their systems. Despite these efforts, frontline transit workers remain at high risk for work-related exposure to SARS-CoV-2 because their work-related duties must be performed on-site and involve being in close proximity (<6 feet) to the public or to coworkers. In addition, many transit workers fall within racial and socioeconomic demographics that are at increased risk of getting sick and dying from COVID-19.

In December 2020, the U.S. Food and Drug Administration (FDA) issued Emergency Use Authorizations (EUA) for the Pfizer-BioNTech and Moderna COVID-19 vaccines, and in February 2021 issued an EUA for the Johnson & Johnson (Janssen) COVID-19 vaccine. COVID-19 vaccines are available to all individuals, 12 years and older, in every U.S. State and over half of eligible individuals have received at least one vaccine shot. However, challenges concerning vaccine access equity and vaccine confidence continue to pose obstacles to reaching national vaccination goals. As a result, it may take many months before sufficiently high numbers of frontline transit workers will be vaccinated, though their communities will continue to rely on them to provide critical transportation

services every day—including transportation to vaccination sites.

On January 21, 2021, President Biden issued Executive Order 13998 titled "Promoting COVID-19 Safety in Domestic and International Travel" "to save lives and allow all Americans, including the millions of people employed in the transportation industry, to travel and work safely," requiring immediate Federal action to mandate masks on public forms of transportation, including transit. On January 29, 2021, the CDC issued an Order requiring the wearing of masks by travelers, including on public transportation, to prevent spread of the virus that causes COVID-19. The CDC Order requires transportation operators to require that all persons wear masks when boarding, disembarking, and for the duration of travel, with certain exemptions. Operators of transportation hubs, which include bus terminals and subway stations, must require all persons to wear a mask when entering and on the premises of a transportation hub. Subsequently, the Transportation Security Administration (TSA) issued a Security Directive on February 1, 2021 that implements the CDC Order that is effective through September 13, 2021. The FTA published a notice of request for emergency OMB approval on March 5, 2021. FTA created an information collection system for respondents to provide the required information to FTA. The system was opened to respondents on March 15, 2021 and the first reports were due on April 16, 2021.

The FTA plays a critical role in providing risk-based guidance and support for the COVID-19 recovery efforts of the transit industry. Accordingly, the FTA has required that respondents provide the following information using a fillable electronic online application: Transit Worker Counts: Total number of transit operators, other frontline essential personnel, and other workers during the reporting period.

COVID-19 Impacts on Transit Agency Service Levels: Yes or no responses to indicate if the agency suspended service, reduced service, or operated at normal levels during the reporting period.

COVID-19 Impacts on Transit Workforce: Cumulative counts of transit worker COVID-19 positives, fatalities, recoveries, and unvaccinated employees during the reporting period, and yes or no responses on whether the agency is requiring workers to be vaccinated, whether the agency has implemented the CDC Order and TSA Security Directive requiring workers and passengers to wear masks, and whether

the agency is using FTA funds to provide vaccine access services.

Summary of Comments Received

FTA received comments to its notice of request for emergency OMB approval from eight respondents during the comment period.

Five respondents noted concerns with providing data on the number of vaccinated workers. FTA has clarified that while it expects all respondent agencies to collect and submit COVID-19 data for all transit workers, if an agency or its contractor is prohibited by State or local laws from collecting data on whether their employees have been vaccinated, the respondent should not include these workers in the "Number of Workers Not Vaccinated" field. Further, the form allows agencies to leave this form blank in such a situation.

Two respondents noted concerns with collecting information on worker COVID-19 cases, recoveries, and fatalities. Agencies should submit COVID-19 data, to the extent that they are able to compile such information, for all workers (employees and contractors) that support the operation of the agency. FTA encourages agencies to report data based on their current knowledge and understanding of the COVID-19 impacts on their organization.

Two respondents noted concerns with the feasibility of collecting and reporting, and the level of effort required to collect and report required data points. In an effort to reduce the burden on reporters, FTA has leveraged its existing Transit Integrated Appian Development Platform, the platform that hosts the National Transit Database (NTD), to facilitate reporting through an online application. FTA also has made available a Recurring Form Template which was developed to assist Section 5311 recipients with collecting data on behalf of their subrecipients in support of the Transit COVID-19 Response Program Information Collection online application. The template includes the same fields and options as the Recurring Form in the online application.

One respondent requested clarification on how FTA will handle late reports. Respondents may submit and/or revise their responses at any time in either the Baseline Form or the Recurring Form to address errors or if updated data becomes available.

One respondent requested the exclusion of Section 5311 subrecipients from the reporting requirement. The reporting requirement is a condition of FTA funding assistance.

One respondent requested a 30-day extension of the comment period for the notice of request for emergency OMB approval. Respondents will have the opportunity to provide written comments to this notice.

Respondents: FTA will require this information, pursuant to 49 U.S.C. 5334, from recipients and subrecipients of FTA funds under the Urbanized Area Formula Funding program (49 U.S.C. 5307) or the Formula Grants for Rural Areas program (49 U.S.C. 5311) that operate transit systems or pass through funds to sub-recipients that operate transit systems. Recipients of FTA funds under the Enhanced Mobility of Seniors and Individuals with Disabilities program (49 U.S.C. 5310) may provide this information on a voluntary basis.

Estimated Average Total Annual Respondents: 2,390 respondents.

Estimated Average Total Responses: 28,680.

Estimated Annual Burden Hours: 10,356.

Frequency: Monthly through December 31, 2021, or the duration of the COVID-19 public health emergency, whichever comes first.

Nadine Pembleton,

Director Office of Management Planning.

[FR Doc. 2021-13352 Filed 6-23-21; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

[Docket No. DOT-OST-2021-0075]

Notice of Proposed Agency Information Collection Activities; Modification of Existing Information Collection

AGENCY: Office of the Secretary, Department of Transportation.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the requirements of the Paperwork Reduction Act of 1995, the Department of Transportation (the Department) invites public comments on a request to the Office of Management and Budget (OMB) to approve modifications to a currently approved Information Collection Request (ICR). The forms have been updated to reflect efficiencies in the application process adopted by the Department, provide clarifying information, and make the forms easier for applicants to use. The general process of applying for credit assistance is not changing; applications are still accepted on a rolling basis. The ICR continues to be necessary for the Department to evaluate projects and

project sponsors for credit program eligibility and creditworthiness as required by law.

DATES: We must receive your comments on or before August 23, 2021.

ADDRESSES: All comments should reference Federal Docket Management System (FDMS) Docket No. DOT-OST-2021-0075. Interested persons are invited to submit written comments on the proposed information collection through one of the following methods:

- **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- **Fax:** 1-202-493-2251.
- **Mail Delivery:** Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: The Build America Bureau at BuildAmerica@dot.gov or (202) 366-2300.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2105-0569.

Title: Letter of Interest and Application Forms for the Railroad Rehabilitation and Improvement Financing and Transportation Infrastructure Financing and Innovation Act Credit Programs.

Type of Review: Modification of existing information collections.

Background: The RRIF credit program has its origins in Title V of the Railroad Revitalization and Regulatory Reform Act of 1976, 45 U.S.C. 821 *et seq.*, which authorized the Federal Railroad Administration to provide railroads certain financial assistance. This Title V financing program was replaced by the RRIF program under section 7203 of the Transportation Equity Act for the 21st Century of 1998, Public Law 105-178 (1998) (TEA 21). RRIF was subsequently amended by: The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, Public Law 109-59 (2005) (SAFETEA-LU); the Rail Safety Improvement Act of 2008, Division A of Public Law 110-432; and the Fixing America's Surface Transportation Act (Pub. L. 114-94) (2015) (FAST Act). All applicants for RRIF credit program assistance are required to submit a completed application. 45 U.S.C. 823(a). The information collection activity request for the RRIF credit program application was most recently approved in 2018 (OMB Control Number 2105-0569). See 83 FR 23525 and 83 FR 35534.

The Transportation Infrastructure Finance and Innovation Act of 1998 was enacted as part of TEA 21. The TIFIA program was subsequently amended by

SAFETEA-LU, the Moving Ahead for Progress in the 21st Century Act (Pub. L. 112-141) (2012) (MAP-21), and the FAST Act. All applicants for TIFIA credit program assistance are required to submit a completed LOI and application. 23 U.S.C. 602(a)(1)(A). The existing information collection activity request for the TIFIA credit program letter of interest and application was most recently approved in 2018 (OMB Control Number 2105-0569). See 83 FR 23525 and 83 FR 35534.

The National Surface Transportation and Innovative Finance Bureau (referenced hereafter as the Build America Bureau or the Bureau), established by the Secretary on July 20, 2016, in accordance with the FAST Act, was created to streamline and improve access to the Department's Federal credit programs, including RRIF and TIFIA. The Bureau was made responsible for administering the application processes for the TIFIA and RRIF credit programs. To streamline and conform these application processes, the Bureau created a single LOI form and a single application form that can be used by applicants of either credit program. Both the LOI form and the application form have been updated to reflect efficiencies in the application process adopted by the Department, provide clarifying information, and make the forms easier for applicants to use. Because some key statutory differences exist between the two programs' application processes and eligibility criteria, the forms have been reorganized to clearly identify where an item of information applies only for one of the programs and need not be answered by applicants of the other program. The Department seeks OMB approval to modify the LOI and application. The forms have also been reviewed to ensure that all information requested is necessary for the Department to properly perform its functions in administering its credit programs and updated to reflect the current statutory requirements.

The LOI asks the applicant to describe, among other things, the project and its location, purpose and cost; the proposed financial plan, the status of environmental review, and certain information regarding satisfaction of other eligibility requirements under the applicable credit program. The application serves as the official request for credit and, therefore, requires the same information required of the LOI, plus detailed information about the applicant's legal and management structure, its financial health, the revenue stream pledged to repay the loan, and other information regarding

satisfaction of eligibility requirements. TIFIA and RRIF credit assistance is awarded based on a project's satisfaction of TIFIA and RRIF (as applicable) eligibility requirements. The Department is authorized to prescribe the form and contents of the LOI and application. 45 U.S.C. 823 and 23 U.S.C. 601(a)(6).

Respondents: State and local governments, transit agencies, government-sponsored authorities, special authorities, special districts, ports, private railroads, and certain other private entities.

Estimated Annual Number of Respondents: Based on the number and type of interested stakeholders that have contacted the Department about the RRIF and TIFIA programs in fiscal years (FY) 2018–2021, the Department estimates that it will receive, on an annual basis, eight (8) RRIF letters of interest (LOIs), twelve (12) TIFIA LOIs, eight (8) RRIF applications, and twelve (12) TIFIA applications.

Estimated Total Annual Burden Hours: The Department estimates that it will generally take applicants not fewer than twenty (20) person-hours to assemble a single LOI (for either credit program) and not fewer than one hundred (100) person-hours to assemble a single application (for either credit program). (Person-hour estimates provided for a RRIF application assume that the applicant will initially submit an LOI, reducing the number of person-hours spent on the application.) Based on the anticipated annual total number of respondents, the total annual hour burden of this collection for RRIF LOIs and applications is 960 and for TIFIA LOIs and applications is 1,440 hours.

Frequency of Collection: This information collection will occur on a rolling basis as interested entities seek RRIF or TIFIA credit assistance.

Public Comments Invited: The Department invites interested respondents to comment on a proposed information collection activity (summarized below) with respect to: (i) Whether the information collection activities are necessary for the Department to properly execute its functions, including whether the activities will have practical utility; (ii) the accuracy of the Department's estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (iii) ways for the Department to enhance the quality, utility, and clarity of the information being collected; and (iv) ways for the Department to minimize the burden of information collection activities on the

public by automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (e.g., permitting electronic submission of responses). See 44 U.S.C. 3506(c)(2)(A)(i)–(iv); 5 CFR 1320.8(d)(1)(i)–(iv). The Department believes that soliciting public comment will promote its efforts to reduce the administrative and paperwork burdens associated with the collection of information mandated by Federal regulations. In summary, the Department reasons that comments received will advance three objectives: (i) Reduce reporting burdens; (ii) ensure that it organizes information collection requirements in a “user friendly” format to improve the use of such information; and (iii) accurately assess the resources expended to retrieve and produce information requested. See 44 U.S.C. 3501.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended; and 49 CFR 1.48.

Issued in Washington, DC, on June 15, 2021.

Morteza Farajian,

Executive Director, the Build America Bureau.

[FR Doc. 2021–13453 Filed 6–23–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0262]

Agency Information Collection Activity Under OMB Review: Designation of Certifying Official(s)

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, 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. 2900–0262.”

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. 2900–0262” in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 38 U.S.C. 3034(a), 3241, 3323(a), 3492, 3680, and 3684(a). 10 U.S.C. 16136(b), and 16166(b); 38 CFR 21.4203(a), 21.5200(d), 21.5292(e)(2), 21.5810(a), 21.7140(a), 21.7652, and 21.7656.

Title: Designation of Certifying Official(s), VA Form 22–8794.

OMB Control Number: 2900–0262.

Type of Review: Revision of a currently approved collection.

Abstract: VA uses the VA Form 22–8794 to maintain a record of the VA Certifying Official responsible for certifying approved training for veterans and other eligible beneficiaries.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 86 FR 75 on April 21, 2021, pages 20795 and 20796.

Affected Public: Individuals or Households.

Estimated Annual Burden: 1,105 hours.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: Annually.

Estimated Number of Respondents: 6,631.

By direction of the Secretary.

Dorothy Glasgow,

VA PRA Clearance Officer, (Alternate) Office of Enterprise and Integration, Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2021–13306 Filed 6–23–21; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0665]

Agency Information Collection Activity Under OMB Review: Direct Deposit Enrollment/Change

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, 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. 2900–0665.”

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. 2900–0665” in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 44 U.S.C. 3501–21.

Title: Direct Deposit Enrollment/Change, VA Form 29–0309.

OMB Control Number: 2900–0665.

Type of Review: Reinstatement of a previously approved collection.

Abstract: Claimants complete VA Form 29–0309 authorizing VA to initiate direct deposit of insurance benefit at their financial institution.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 86 FR 77 on April 23, 2021, page 21808.

Affected Public: Individuals and Households.

Estimated Annual Burden: 10,000.

Estimated Average Burden per Respondent: 20 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 30,000.

By direction of the Secretary.

Dorothy Glasgow,

VA PRA Clearance Officer, (Alternate), Office of Enterprise and Integration, Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2021–13308 Filed 6–23–21; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0049]

Agency Information Collection Activity: Request for Approval of School Attendance and School Attendance Report

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administration, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before August 23, 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. 2900–0049” 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. 2900–0049” in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct

or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA’s functions, including whether the information will have practical utility; (2) the accuracy of VBA’s estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: 38 U.S.C. 101 (4)(A), 38 CFR 3.277 and 3.667.

Title: Request for Approval of School Attendance (VA Forms 21–674 and 674c) and School Attendance Report (VA Form 21–674b).

OMB Control Number: 2900–0049.

Type of Review: Extension of a currently approved collection.

Abstract: 38 U.S.C. 101 (4)(A) provides the authority to pay benefits to or for a child who attends an approved course of instruction or training between the ages of 18 and 23. VA Forms 21–674, 674b, and 674c solicit information that is needed to determine eligibility to benefits for these children. Without this information, VA would be unable to properly authorize benefits.

No changes have been made to these forms. The respondent burden has decreased due to the estimated number of receivables totaled from the previous year.

Affected Public: Individuals or Households.

Estimated Annual Burden: 6,354 hours.

Estimated Average Burden per Respondent:

a. 15 minutes for VA Forms 21–674 and 674c.

b. 5 minutes for VA Form 21–674.

Frequency of Response: One time.

Estimated Number of Respondents: 32,679.

By direction of the Secretary.

Dorothy Glasgow,

VA PRA Clearance Officer, (Alternate), Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2021–13292 Filed 6–23–21; 8:45 am]

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